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**The Role of Civil Servants
in the Formulation of Policy:
An Analysis of the Policy Process on
Commonwealth Immigration from 1948 to 1964**

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for the Degree of Doctor of Philosophy
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Summary

This thesis examines discussions within the British government held about immigration from the Commonwealth in the period between 1948 and 1964 and clarifies the role the government actors played. The introduction of the Commonwealth Immigrants Act of 1962 is an important event in British postwar history so that the political developments leading to the Act have been well researched. However, previous works on this topic have emphasised the role played by Parliament, political parties and politicians in the policy process, while they have neglected the role of non-political actors. Recognising this bias in research, this thesis clarifies the important and indispensable role played by civil servants in the policy process on Commonwealth immigration during this period.

Through intensive archival research, in particular on British government documents deposited in the Public Record Office at Kew, this thesis chronologically analyses the policy process on Commonwealth immigration and the role major actors played there. Departmental files which have not been intensively studied so far are surveyed in depth to disclose the discussions among civil servants and their impact on policy development.

In the policy process from 1948 to 1964 a small circle of policy experts was formed within the government, consisting of civil servants, in particular from the Home Office, the Colonial Office, the Commonwealth Relations Office and the Ministry of Labour. This policy community worked to exclude political pressure exercised from outside of the government on the one hand and to delineate the government view of, and policy options for, Commonwealth immigration on the other hand. As a result, the social consequences of immigration were much emphasised and restrictive policy measures were consistently sought.

This thesis shows that civil servants, whose positions within the government were assured by the existence of such a closed policy community, played a substantial part in the policy process on Commonwealth immigration.

List of Abbreviations

CO	Colonial Office
CUKC	Citizen(s) of the United Kingdom and Colonies
CRO	Commonwealth Relations Office
EEC	European Economic Community
GRO	General Register Office
HMSO	Her Majesty's Stationery Office
HO	Home Office
MH	Ministry of Health
ML	Ministry of Labour
PEP	Political and Economic Planning
PRO	Public Record Office
T	Treasury
UK	United Kingdom

Part I

Framework of Analysis

Chapter 1 British Government's Policy on Commonwealth Immigration

1. Scope of the Thesis

This thesis examines British governments' policy making on immigration from the Commonwealth from 1948 to 1964 and aims to disclose the role policy makers within the government played in this process, as well as the structure within the government in formulating immigration policy during this period. There are two questions to which this thesis tries to answer. The first question is: how and to what extent have civil servants exerted influence in the policy process ? A particular emphasis of the thesis is put on the civil service, not on individual politicians, political parties, or interest groups, which, although having been regarded as important actors in previous works, in fact are neither permanent members of policy making circles nor have regular links with them. As compared to the role of elective actors in policy making, *i.e.* Cabinet ministers and other politicians, that of non-elective actors have been relatively dismissed in the study of British politics. This is no exception in the case of immigration policy. Most works have devoted themselves to describing a history of events or analysing the role of particular politicians, political parties, or "political pressure".

The second question is: how does one particular set of issues rather than another capture policy makers' attention in the course of discussion ? This research that pays particular attention to civil servants aims to complement these previous discoveries by focusing on the structure of policy formulation and regarding a policy as an outcome from such a stable structure. The structure that appears within the policy process binds relations between government policy makers. Composed of

informal networks between them and constitutional rules. it is to accumulate and institutionalise expert knowledge and skills in approaching a particular policy issue. The development of government policy is therefore viewed from its interactions with the development of the structure within the policy process.

The period covered in this thesis is the one when the foundation of today's British immigration policy, including that for non-Commonwealth immigration, were established with respect to organisation, philosophy and policy measures. Historically British governments had allowed British subjects, including those from Commonwealth countries, the right of free entry to the UK. After the Second World War a remarkable increase in the influx from the West Indies occurred, which was followed, from the mid 1950s, by the influx from India and Pakistan. As a response, the British government introduced a law in 1962, which was to deprive the right of British subjects from the Commonwealth of free entry to the UK. The new Act, Commonwealth Immigrants Act of 1962, obliged those Commonwealth people who intended to enter the UK to work to acquire an employment voucher in advance. With the continuing high pressure of immigration from India and Pakistan even after the Act went into force in July 1962, the number of the issue of vouchers was gradually reduced and finally in 1965 the categories of voucher for the unskilled were abolished.

The Act was the first legislative measure by which the British government imposed control on the Commonwealth people intending to enter the UK. The British government's policy at this period was exceptional compared with those of other West European countries. It was trying to control a large influx of unskilled workers when other European countries were introducing comparatively cheap workers from outside during a period of economic expansion which was causing a severe shortage of labour. Until the economic depression triggered by the energy crisis of 1972-73, most West European countries actively recruited labour from

abroad to fill the domestic labour demand caused by the high economic growth. In this regard British legislation foreshadowed the present policy of many countries, which shut their door to unskilled workers with the end of the economic boom.

A large number of researchers have analysed British immigration policy during this period.¹ Their main interests have been to find out the events and decisions at a particular place and time which appear more important than others. There is no doubt that these works, regarding each event as more or less accidental ones, have made great contributions to discovering the socially and economically significant events over this issue, or "politics" on immigration policy. Unfortunately, however, they have neglected the process in which policy was formulated and the role various policy makers played there.

This tendency to focus on political actors could be justified if the policy making of a particular area has a strong politics-oriented nature. Donley T. Studlar claims that immigration policy is classified into the "emotive symbolism" policy area, which T. A. Smith proclaimed by refining Theodore Lowi's famous typology on policy areas.² The emotive symbolism policy has such characteristics as: the

¹ Main among them published as books are: Paul Foot, *Immigration and Race in British Politics* (Harmondsworth, Penguin Books, 1965); Ira Katznelson, *Black Men, White Cities: Race, Politics, and Migration in the United States, 1900-30, and Britain, 1948-68* (London, Oxford University Press, 1973); Zig Layton-Henry, *The Politics of Race in Britain* (London, George Allen and Unwin, 1984); Colin Holmes, *John Bull's Island: Immigration and British Society, 1871-1971* (London, Macmillan, 1988); Paul Rich, *Race and Empire in British Politics* (Cambridge, Cambridge University Press, 2nd ed., 1990); Ann Dummett and Andrew Nicol, *Subjects, Citizens, Aliens and Others: Nationality and Immigration Law* (London, Weidenfeld and Nicolson, 1990); Zig Layton-Henry, *Politics of Immigration: Immigration, 'Race' and 'Race' Relations in Post-war Britain* (Oxford, Blackwell, 1992); Shamit Saggar, *Race and Politics in Britain* (London, Harvester Wheatsheaf, 1992); and John Solomos, *Race and Racism in Britain* (Basingstoke, Macmillan, 2nd ed., 1993).

² Donley T. Studlar, 'Elite responsiveness or elite autonomy: British immigration policy reconsidered', *Ethnic and Racial Studies*, 3, 2 (1980), 207-23; T. Alexander Smith, *The Comparative*

effects of policy extend to many fields of everyday life as the policy basically relates to the people; and the contents of policy lack specialist nature. Consequently this policy area tends to arouse so much public interest that potential participants on the policy formulation are liable to be numerous. In a policy area of this kind, policy makers tend to be responsive to external pressures. Studlar argues in this respect that British immigration policy has been formulated in a way reactive to public opinion.³

However, even though the policy process of immigration policy had, as Studlar argues, the political nature, this can never be an excuse for dismissing the role of actors other than politicians or the public in the policy process. The whole picture of the policy formulation would not be disclosed without examining the structure in which a wide range of significant actors were embedded and the role such actors played there. This is particularly important in the analysis of the government in the postwar period, where specialist skills and knowledge on particular matters have gained its importance. The permanent staff within the government were to be illuminated in the light of such technical knowledge. This thesis examines the role of civil servants in the policy formulation within the government on the basis of this recognition.

2. Contents and Contexts of Policy on Commonwealth Immigration

The characteristics of the policy process in a particular area depend, to a

Policy Process (Santa Barbara, CA, American Bibliographical Center/Clio Press, 1975); Theodore J. Lowi, 'American business, public policy, case-studies, and political theory', *World Politics*, 16, 4 (1964), 677-715.

³ Studlar, 'Elite responsiveness or elite autonomy'.

considerable extent, on those of policy itself. It is thus useful to summarise at first, what political and social contexts British policy on Commonwealth immigration stands in.

Tomas Hammar makes a working definition of "immigration policy" to compare relevant policies of a number of West European countries.⁴ In his classification, "immigration policy" consists of two interrelated, but distinct, parts. These are: regulation of flows of immigration and control of aliens; and policies relating to the conditions provided to resident immigrants, which he called "immigrant policy". These two policies are distinct and even considerably different from each other so that reference to both policies in a single term, as is often seen in the everyday context, has little meaning.

In this research "immigration policy" refers to the first part of Hammar's terminology, that is, immigration regulation and aliens control. It relates to the control of the admission and residence of, and the guarantee of "permanent status" for, foreign citizens, that is, both vulnerability and stability of their legal status.⁵

This use of the term corresponds approximately to the British government's terminology of policy on immigration. According to an official statement by the Home Office,⁶ British government's current policy on immigration and nationality is to:

- allow genuine visitors and students to enter the United Kingdom;
- give effect to the "free movement" provisions of European Community Law;
- continue to admit the spouses and minor dependent children of those already settled in the United Kingdom, provided that they satisfy the requirements of

⁴ Tomas Hammar, 'Introduction' in Tomas Hammar (ed.), *European Immigration Policy: A Comparative Study* (Cambridge, Cambridge University Press, 1985), pp.1-13, pp.7-10.

⁵ Hammar, 'Introduction', p.9.

⁶ Home Office, *Annual Report 1997: The Government's Expenditure Plans 1997-1998 to 1999-2000*, Cm. 3608 (London, HMSO, 1997), March 1997, p.87.

the Immigration Rules;

- meet the United Kingdom's obligations towards refugees under international law, while reducing the scope and incentive for misusing asylum procedures;
- subject to the above, restrict severely the numbers coming to live permanently or to work in the United Kingdom;
- detect and remove those entering or remaining in the United Kingdom without authority; and
- maintain an effective and efficient system for dealing with applicants for citizenship.

Of these seven points all but the last, which is concerned with nationality and naturalisation, are regarded as, and compose, British government's policy on immigration.

Contexts of immigration policy

In many national governments, immigration policy constitutes an independent policy area, but this comprises various elements each of which may be influenced by concerns in related areas. Immigration policy is a mixture of various policies of the national government. It concerns a wide range of policy areas such as external relations, the economy and domestic affairs.

Patterns of postwar immigration, and therefore government's policy on immigration, differed considerably from country to country. In the case of Britain, immigration flow occurred more or less spontaneously from its colonies or former territories. In Germany and Switzerland, the organised introduction of migrant workers was attempted. France and the Netherlands experienced both types of migration.

From these postwar experiences in European countries, at least three typical perspectives of the government about the policy, or policy contexts, of immigration

are identified.⁷

1. Immigration is perceived in terms of external policy. The issue is seen from the view of relations with other governments, in particular the sending governments, which may be colonies or former territories. Policy is supervised by such ministries as Ministries of Foreign Affairs and of Colonial Affairs. The main concern of these ministries is to maintain peaceful relations with these countries or territories, so that they usually show reluctance in drastic restrictions on immigration flows. Participants in the policy process are limited to a small number in the core of the government.

2. Immigration is perceived in terms of economic policy, particularly responding to the demand in the domestic labour market. Usually immigrants are introduced as the organised labour force through bilateral governmental agreements. Immigration is controlled in relation to the situation of the domestic labour market. In addition to the government, business and industry such as employers and union leaders may exert some influence on policy. The crucial government ministries are Ministries of Labour and of Economic Affairs. Participants in the policy process are limited to a relatively small number of the core staff.

3. Immigration is perceived in relation to other people in society, often with a growing recognition that immigrants are potential settlers. Patterns of perception reflect domestic social situations and the general conception on state-society relations. Therefore actual perceptions about immigrants may diverge, some regarding them from the perspective of integration while others may see them as a potential threat to public order. Usually, the Ministry of Justice or of Interior (or of Home Affairs) has a central seat in the policy process, as it supervises immigration

⁷ Ann Dummett also raises four perspectives on immigration policy - legal, economic, moral and political. Her perspectives are, however, philosophical rather than empirical. See, Ann Dummett, *A New Immigration Policy* (London, A Runnymede Trust Publication, 1978).

control in most countries. In addition many domestic ministries are involved in the policy process. Policy makers may be limited to the ordinary staff, such as Cabinet ministers, senior civil servants and policy advisors. However, the boundary of policy makers can easily expand so as to include politicians, the media and the public. Participants may come from an unpredictably wide range of fields. A rapid increase of immigration may raise the salience of the issue and draw a wide range of groups and actors into the policy process. Elites may thus restrict a rapid rise in immigration in order to maintain control of the policy process.

These three contexts may co-exist at a particular point of time, or they may arise one after another in the passage of time. However they are distinguishable in terms of both institutions, that is, participants in the policy process, and perceptions on issues. These perspectives drawn from empirical cases of European countries are also identified in British immigration policy.

British conditions - 1. external relations

British policy on Commonwealth immigration is explained in part by the process of decolonisation, in which the privileged status of residents in the former Empire was gradually withdrawn.

After 1945 British withdrawal from the Empire became more certain. John Darwin argues that 'if by the "end of empire" we mean the final disintegration of an imperial system pivoted on British military and economic power, then it was in the postwar years that collapse began, and not until after 1960 that it was complete'.⁸ In particular, the setback of the Suez crisis in 1956 was recorded in postwar British history not simply by the resignation of a Prime Minister, Anthony Eden, but by making the end of Empire and the decline of the British superpower status in the

⁸ John Darwin, *The End of the British Empire: The Historical Debate* (Oxford, Blackwell, 1991), p.4.

world politics decisive.⁹

In the process of withdrawing from the Empire, Britain required, for both political and economic reasons, a new framework which would link herself with the former Empire. Her superpower status was believed by British politicians only to be secure if Britain remained the leader of the successor group to the Empire. The Commonwealth, which consisted of independent states but each continued to have strong links with Britain and accordingly to act together in the international political arena, could help to maintain Britain's prestige in the world. With a view to maintaining the ties between members of the Commonwealth, the British government made efforts to allow other Commonwealth governments preferential access in trade and easier mobility of capital and labour to the UK.

This strategy to build the Commonwealth into a coherent political bloc was not much successful in general. However, the historical and imperial links became the background to migration from the Commonwealth to the UK on the one hand, and caused British policy makers to hesitate to restrict the rights of migrants on the other hand. It is true that postwar immigration from the Commonwealth occurred without positive involvement of the British government. However, people in the former Empire, whether the territory was independent or not, were supposed to have full civic rights in the UK as British subjects, so that they could vote, run for Parliament, and serve in the armed forces and public services. The right of access to the UK was one of such rights enjoyed by British subjects.

In postwar legislation the British Nationality Act of 1948 confirmed these

⁹ Peter Hennessy and Mark Laity, 'Suez: what the paper say', *Contemporary Record*, 1, 1 (1987), 2-8, p.8. This "conventional" idea was supported by Brian Lapping, but refuted by Anthony Low in a later issue of *Contemporary Record*. Low claims the historical meaning of the Suez crisis is much exaggerated. See, Anthony Low and Brian Lapping, 'Did Suez hasten the end of Empire?' *Contemporary Record*, 1, 2 (1987), 31-3.

rights of being a British subject.¹⁰ Introduced as a response to the policy of the Canadian government to set up her own citizenship independent of the UK one, it set up a new "Citizen of the United Kingdom and Colonies (CUKC)" category within the "British subject" category, and thus excluded citizens of the Commonwealth countries with an independent citizenship of their own (e.g. Canada) from the CUKC. However the intention of the 1948 Act was to ensure that the citizens of independent Commonwealth countries and people in British Colonies all remained "British subjects". In this way it was hoped to maintain the unity of the Colonies and former Colonies and allegiance to the Crown through the "British subject" status. Citizens of the Commonwealth countries therefore continued to be guaranteed legal rights as "British subjects".¹¹ At this time the right of access to the UK had not been expected to be exercised. However this privilege began to be used on a large scale from the late 1940s.¹²

Apart from legal rights, migration hardly occurs without personal relations with destination countries. In the case of immigration to the UK, as Zig Layton-Henry explains, 'The imperial connection seems to have given West Indians in particular a high expectation of the wealth and benevolence of the Mother Country and feelings that they would be well received, treated as full and equal citizens, and achieve a high standard of living. Many had good memories or reports of the welcome and treatment that West Indians had received in Britain during the war'.¹³ Imperial connections mean, also in the cultural sense, that those coming from

¹⁰ Vaughan Bevan, *The Development of British Immigration Law* (London, Croom Helm, 1986), p.112.

¹¹ Ian A. Macdonald, *Immigration Law and Practice in the United Kingdom* (London, Butterworths, 2nd ed., 1987), pp.72-80.

¹² cf. Foot, *Immigration and Race in British Politics*, p.125.

¹³ Zig Layton-Henry, 'Great Britain' in Hammar Tomas (ed.), *European Immigration Policy: A Comparative Study* (Cambridge, Cambridge University Press, 1985), pp.89-126, p.95.

Colonies and Commonwealth could often speak English, sometimes even as their mother tongue.

Meanwhile this special relationship with the former Empire also acted as a constraint when the British government tried to invent new policies.¹⁴ At best, decolonisation needed to be a peaceful process in order to secure Britain's position in the world through leadership of a Commonwealth of independent states. At worst, the symbolic importance of the Commonwealth as the institutional successor of the Empire and the personal human relations with "old" Commonwealth countries in particular acted as a brake on decolonisation. British policy makers were likely to resist ideas that would halt free movement between Britain and the Commonwealth.¹⁵ Moreover, political importance in the new world order of the Commonwealth increasingly composed of "Third World" countries needed to be fully considered when introducing immigration controls.

British conditions - 2. economy and demography

A shortage of labour was a crucial problem for the postwar British economy. With the exception of a fuel crisis in the early months of 1947, which itself triggered by a labour shortage in the pits, unemployment kept at a low level until the mid 1950s. It has been pointed out that the shortage of labour was one reason for the relatively slow economic growth in postwar Britain.¹⁶ In fact, other West European governments introduced labour from abroad to solve their domestic labour shortages. The French government in particular encouraged permanent settlement from neighbouring countries both in order to meet labour needs and to compensate

¹⁴ Darwin, *The End of the British Empire*, p.34.

¹⁵ Nicholas Deakin, 'The politics of the Commonwealth Immigrants Bill', *Political Quarterly*, 39, 1 (1968), 24-45, p.34.

¹⁶ For example, Charles P. Kindleberger, *Europe's Postwar Growth: The Role of Labor Supply* (Cambridge, MA, Harvard University Press, 1967).

for sluggish population growth derived from a low fertility rate.¹⁷ However, the British governments were less proactive.

This did not mean that Britain had a firm prospect for labour supply. On the contrary, the government repeated its concerns with the labour shortage in its annual *Economic Survey* and encouraged women and elderly people to enter the labour market. It was in these circumstances that an introduction of foreign labour was given a place in government's economic policy. The 1947 *Economic Survey* stated in a section of "the Objectives for 1947" that 'we shall require a larger labour force'. As one of the ways to increase the labour force, it suggested that 'Foreign labour can make a useful contribution to our needs'.¹⁸

From 1945 to 1951, the government permitted displaced persons in Eastern and Central Europe to settle in the UK mainly in expectation of their contribution to the British labour market.¹⁹ 115,000 Poles of the former Warsaw government, officials, demobilised soldiers and their families were permitted a permanent stay in Britain.²⁰ 80,000 displaced East and Central Europeans were recruited to Britain under the European Voluntary Worker schemes.²¹ They were introduced in such

¹⁷ The French immigration policy in the postwar period is well analysed within the comparative framework by the following works: Gilles Verbunt, 'France' in Hammar Tomas (ed.), *European Immigration Policy: A Comparative Study* (Cambridge, Cambridge University Press, 1985), 127-64; and Gary Freeman, *Immigrant Labour and Racial Conflict in Industrial Societies: The French and British Experience 1945-1975* (Princeton, NJ, Princeton University Press, 1979).

¹⁸ *Economic Survey*, Cmd. 7046 (London, HMSO, 1947), February 1947, pp.27-8.

¹⁹ Foot, *Immigration and Race in British Politics*, pp.115-23.

²⁰ This resettlement of Polish people to the UK is dealt with by: J. Zubrzycki, *Polish Immigrants to Britain* (The Hague, Martinus Nijhoff, 1956); Keith Sword, 'The absorption of Poles into civilian employment in Britain, 1945-1950' in A. C. Bramwell (ed.), *Refugees in the Age of Total War* (London, Unwin Hyman, 1988); Keith Sword, N. Davis and Jan Ciechanowski, *The Formation of the Polish Community in Great Britain, 1939-50* (London, School of Slavonic and East European Studies, 1989).

²¹ For the European Voluntary Workers schemes, see J. A. Tannahill, *European Voluntary*

industries as agriculture, textiles and health, where labour shortages were particularly serious. The 1949 *Economic Survey* gave a positive assessment to the introduction of these foreigners, writing that 'Foreign labour provided in 1948 a valuable addition to the total manpower in civil employment'.²²

From the demographic perspective, Britain's ageing and stagnating population raised a concern of both governmental and non-governmental experts. The Political and Economic Planning (PEP), a non-governmental think tank in London, proposed in its report of April 1948 that the government should adopt 'a positive immigration' policy a part of population policy.²³ It supported immigration from European countries with a view to relieving shortages of manpower, replacing losses through emigration to the Commonwealth, and offsetting a decline in fertility. In the same manner the government's Royal Commission on Population showed its concern in its report in June 1949 that the trend of population would lead to a loss of flexibility in the economy, a rise in dependency ratio, decreasing emigration to Commonwealth countries (which was thought to be important for keeping ties with Britain), and a threat to national security. Like the PEP, the Royal Commission referred to the government scheme of European immigration. However, unlike the PEP, it clearly opposed the idea of placing immigration in population policy, saying that 'we should have to face serious problems of assimilation beyond those of training and housing'.²⁴

Workers in Britain (Manchester, Manchester University Press, 1958); and, Diana Kay and Robert Miles, *Refugees or Migrant Workers? The Recruitment of Displaced Persons for British Industry 1946-1951* (London, Routledge, 1992).

²² *Economic Survey*, Cmd. 7647 (London, HMSO, 1949), March 1949, p.33.

²³ Political and Economic Planning, *Population Policy in Great Britain* (London, Political and Economic Planning, 1948), pp.108-16.

²⁴ Royal Commission on Population, *Report*, Cmd. 7695 (London, HMSO, 1949), June 1949, p.124.

The labour shortages in Britain had been alleviated in part by unorganised immigration from abroad. The largest influx was from Ireland. Even after her independence from the UK as the Irish Free State in 1922, and her subsequent withdrawal from the British Commonwealth in 1948, British governments allowed Irish citizens free entry and residence in the UK. There was constant large-scale immigration from Ireland to the UK for settlement and seasonal work, particularly in agriculture. Though few official statistics are available, the net annual influx from Ireland to the UK is estimated to be 35,000 to 55,000 between 1950 to 1960 and 10,000 to 20,000 between 1961 to 1968.²⁵

Immigration from the former Empire can be similarly viewed from the labour force perspective. This source holding the right of free entry and unhindered by legislation on aliens must have been a "heaven-sent gift" for the government and the labour-hungry employers.²⁶ Moreover, compared to the official recruitment of European Voluntary Workers, this source should have been advantageous to the government as it did not hold automatic responsibility for finding accommodation and other forms of social assistance. In fact Ceri Peach's statistical survey from 1956 to 1965, has shown that the main determinant of West Indian migration to the UK during this period was not government actions, but the demand for labour in the UK. Except for the extraordinary large influx in 1960 and 1961, when the introduction of legislative restrictions was rumoured, the fluctuation of West Indian migration roughly corresponded to the labour demand, namely the situation of the UK economy. Peach further claims that a decrease in arrivals soon after the new scheme was introduced in July 1962 was not as a result of government action, but that it can be explained as a decline in labour demand and a consequence of the high

²⁵ F. X. Kirwan, 'Recent Anglo-Irish migration: the evidence of the British Labour Force Surveys', *Economic and Social Review*, 13, 3 (1982), 191-203, p.195.

²⁶ Foot, *Immigration and Race in British Politics*, p.126.

number of arrivals before July 1962.²⁷

British conditions - 3. social impacts and public order

The influx of more than ten thousand immigrants in a small number of large cities every year were concerned from their impact on social services in localities. It was claimed to be as if, particularly in inner-city districts, severe housing problems were created 'virtually overnight'.²⁸ The impact on local authority services were often exaggerated. However, this caused public anxiety which resulted in supporting the argument for the introduction of control of immigration.²⁹

Tensions with neighbouring people were another major concern. Already before immigration from the Commonwealth increased at the turn of the decade to 1950s, sporadic attacks by white youths on coloured people were not uncommon.³⁰ Above all, a series of attacks on coloured people by white youths in the summer of 1958 at Notting Hill and Nottingham are today considered by many researchers to be a major turning point of the government thinking in the policy on immigration towards restriction.

By the time when legislation on immigration of aliens and that of British subjects were unified in a single law, the Immigration Act of 1971, the purpose of British immigration policy had come to be considered from a contribution to social harmony and integration. In 1971, Reginald Maudling, Home Secretary, articulated in the House of Commons as follows:

²⁷ Ceri Peach, *West Indian Migration to Britain: A Social Geography* (London, Oxford University Press, 1968); and Ceri Peach, 'British unemployment cycles and West Indian immigration - 1955-1974', *New Community*, 7, 1 (1978), 40-4.

²⁸ Anthony M. Messina, *Race and Party Competition in Britain* (Oxford, Clarendon Press, 1989), p.22.

²⁹ Deakin, 'The politics of the Commonwealth Immigrants Bill', pp.27-8.

³⁰ Layton-Henry, *The Politics of Race in Britain*, p.35.

The main purpose of immigration policy . . . is as a contribution to the great problem of ensuring that the varied communities which we have here can settle down progressively over the years to live together in peace and harmony. . . . If we are to get progress in community relations, we must give assurance to the people who were already here before the large wave of immigration that this will be the end and that there will be no further large scale immigration. Unless we can give that assurance we cannot effectively set about the job . . . of improving community relations.³¹

The tendency to link immigration with "law and order" has, rather than in the 1950s and 1960s, reinforced towards today.³²

3. The Policy Process on Commonwealth Immigration

Many researchers have touched on British immigration policy in this period. However, their main interest has been to focus on historically important events, which brought about major changes in policy, and to explain them by tracing discussions at a particular place and time. Their emphasis has been put on descriptions of history or the role of elective actors (*e.g.* politicians) and their relations with the public. In contrast, analyses of the policy process and the role of non-elective actors (*e.g.* civil servants) as an indispensable aspect of the policy

³¹ House of Commons, Parliamentary Debates, 'Immigration Bill', House of Commons Official Report, Session 1970-71, Vol.813 (London, HMSO, 1971), 8 March 1971, cols.42-173, cols.43-4.

³² Messina, *Race and Party Competition in Britain*, p.186; and, John Solomos, *Black Youth, Racism and the State: The Politics of Ideology and Policy* (Cambridge, Cambridge University Press, 1986), p.43.

process, have been relatively dismissed (Figure 1.1).

The focus of previous works concerned with the policy area of Commonwealth immigration has tended to concentrate on major changes in policy. As regards the policy from the late 1940s to the mid 1960s, the introduction of restrictive measures, particularly the Commonwealth Immigrants Act of 1962, has been taken as the most important event. As far as the role of particular actors are concerned, these works have resulted in raising two different types of theses about the role of the political elite. These could be described as elite responsiveness and elite autonomy.³³

Elite responsiveness thesis

Early works have put great emphasis on the influence of public and Parliamentary pressure on elite's decisions. These works represented by Foot, Deakin and Katznelson have all tried to answer the question as to why the policy change occurred.³⁴ Points of emphasis may vary, but they claim that domestic incidents in the late 1950s, in particular the urban disturbances of 1958 and the general election of 1959, became the turning points of this process.

These works claim that the immigration issue was not a central theme of the British politics until some time in the late 1950s. Nicholas Deakin argues, 'until 1958 the question of immigration from the Colonies and Commonwealth only touched the fringe of political debate, and that policy on this issue was determined more by events in the mainstream of politics than on the intrinsic merits of the subject'.³⁵ He maintains that the issue of immigration was kept out of mainstream

³³ This terminology is borrowed from Studlar, 'Elite responsiveness or elite autonomy'.

³⁴ Foot, *Immigration and Race in British Politics*; Deakin, 'The politics of the Commonwealth Immigrants Bill'; and Katznelson, *Black Men, White Cities*.

³⁵ Deakin, 'The politics of the Commonwealth Immigrants Bill', p.26.

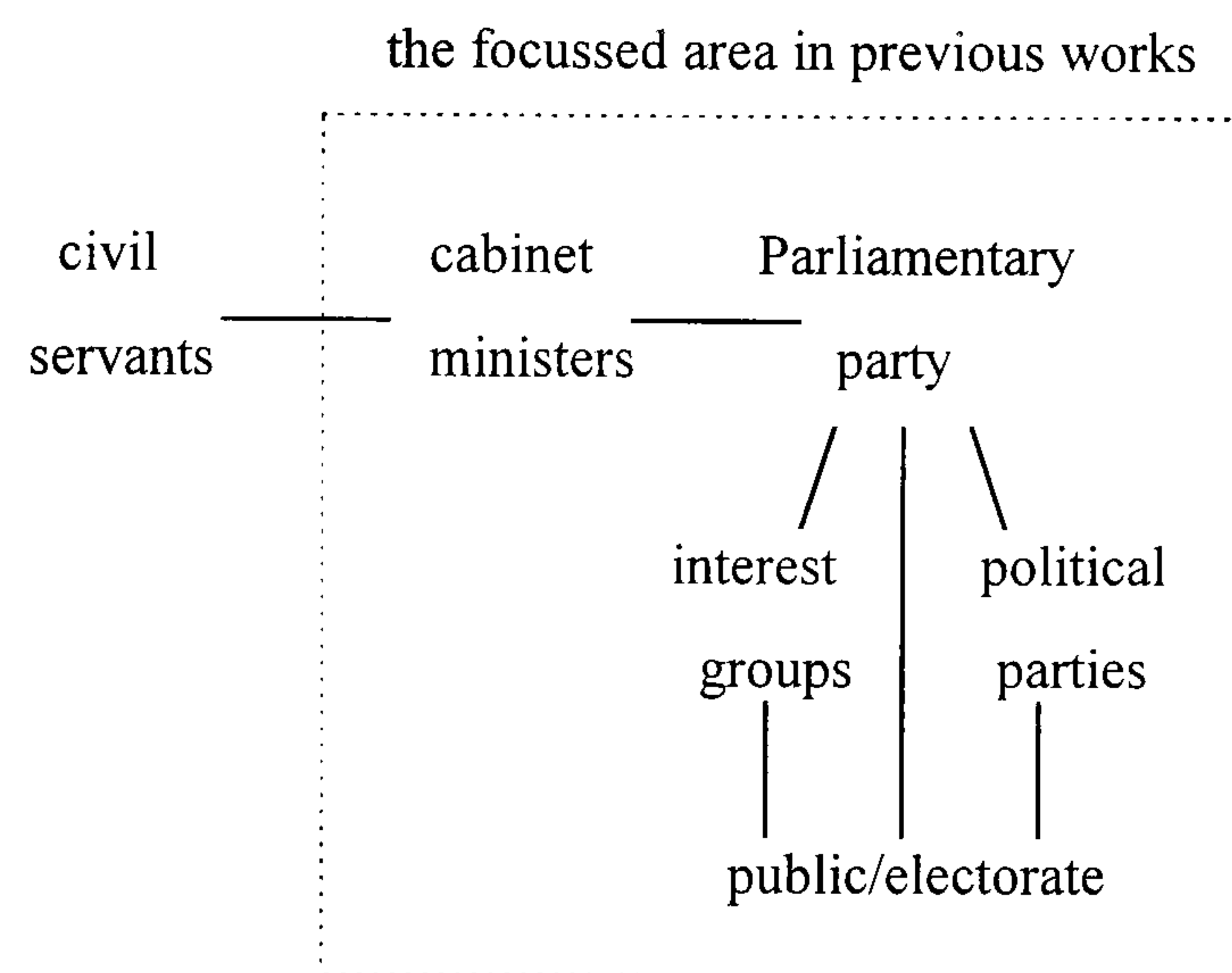


Figure 1.1 The focus of the studies of policy making on Commonwealth immigration

political discussion as: 'Not until the late fifties did the immigration issue become one which could be evaluated in its own right, or in terms which were regarded as legitimate public political debate'.³⁶

Until the late 1950s peaceful decolonisation was so important that some Conservative politicians, including ministers, who took close interest in the subject, had assimilated a conception of the Commonwealth, which led them to resist any idea that free movement between Britain and the new Commonwealth should be ended.³⁷ Meanwhile those seeking restriction did not have coherent groups behind them which would translate their concern into action.³⁸

Ira Katznelson similarly argues about a background of this marginalisation of the immigration issue that there was an implicit consensus among politicians. The essence of this 'pre-political consensus' was that 'colour would not be treated as a relevant political category' and that 'there were any problems of discrimination, prejudice, integration, and social deficiencies, was implicitly denied'.³⁹ This position out of the paternalistic view about the Empire and Commonwealth was held in common by both Conservative and Labour politicians, though they might differ over the future of Britain's colonial policy, and this shared view kept the issue from politicisation for a long time.⁴⁰

This consensus within the political elite was claimed to collapse in the last few years of the 1950s. The violent clashes that erupted in London's Notting Hill and Nottingham in the summer of 1958 moved the issue from the periphery to the centre of political debate. Public and parliamentary anxiety increased and the issue became politicised. Successive opinion polls seemed to display a substantial

³⁶ Deakin, 'The politics of the Commonwealth Immigrants Bill', pp.27-8.

³⁷ Deakin, 'The politics of the Commonwealth Immigrants Bill', p.34.

³⁸ Deakin, 'The politics of the Commonwealth Immigrants Bill', pp.27-8.

³⁹ Katznelson, *Black Men, White Cities*, p.127.

⁴⁰ Katznelson, *Black Men, White Cities*, p.125.

majority in favour of some control and substantial levels of racial prejudice.⁴¹ The non-political consensus that had kept race out of politics was upset, and 'Colour was now relevant politically, and, respectable or not, it would be dealt with politically'.⁴² As 'By 1960-1, general public opinion had crystallised in favour of controls',⁴³ the government in 1961, in response to pressures from vocal, anti-immigrant MPs, moved to restrict Commonwealth immigration.⁴⁴

David Goldsworthy takes notice of the 1959 general election as the turning point of policy. In this election, the ruling Conservative Party saw a large generational change in composition as a result that many pro-Empire heavyweights retired and many young politicians, who had little personal connection with the Commonwealth and therefore had liberal ideas on colonial policy, returned to Parliament. Pro-Empire Colonial Secretary Alan Lennox-Boyd was replaced by realistic modernist Iain Macleod, and pro-Colonial heavyweights such as Oliver Lyttleton retired.⁴⁵ A decline in influence of pro-Empire groups was evident, which accelerated the move to decolonisation. The next year became the year of independence of many African territories, which accompanied Macmillan's famous "wind of change" speech.⁴⁶

Deakin also points out the importance of the 1958 disturbances and the 1959

⁴¹ Katznelson, *Black Men, White Cities*, p.133; see also Layton-Henry, *The Politics of Race in Britain*, pp.34-6 and 38.

⁴² Katznelson, *Black Men, White Cities*, p.129.

⁴³ Katznelson, *Black Men, White Cities*, p.133.

⁴⁴ Katznelson, *Black Men, White Cities*, pp.131-5.

⁴⁵ David Goldsworthy, *Colonial Issues in British Politics 1945-1961: From 'Colonial Development' to 'Wind of Change'* (Oxford, Oxford University Press, 1971), p.35.

⁴⁶ Goldsworthy, unlike Deakin and Katznelson, argues that imperial interests were not well organised nor institutionalised in domestic politics. Commonwealth lobbies were able to exert no more influence than some politicians who themselves had personal relations with the Commonwealth. See, Goldsworthy, *Colonial Issues in British Politics 1945-1961*, p.383.

general election. He claims that the disturbances 'reveal with some clarity for the first time the extent of the problem', and caused the issue of immigration to be pushed towards the centre of political debate.⁴⁷ The Parliamentary lobby was also strengthened since, and, under this new condition, the result of the 1959 general election made the introduction of controversial legislation politically feasible. According to Deakin, a steady increase in concern was observed among Conservative backbenchers as a result of new members from the industrial Midlands importing the element of direct constituency experience.⁴⁸

This change in dynamics within the ruling Conservative Party was analysed by Paul Foot in detail. Foot argues that there were three major factions in the Party in the 1950s and 1960s. The first group "Tory Radicals" advocated open Commonwealth immigration policy mainly on economic grounds. From their perspective, Commonwealth immigrants made an important contribution to Britain's manufacturing and service industries which, if stopped, might precipitate labour shortages and jeopardise economic growth. Since Commonwealth workers were vital to Britain's economy, their emphasis was on integrating those already settled rather than on restricting the number of immigration, and some of them supported integration measures, including anti-discrimination legislation.⁴⁹

The second faction "Traditional Right" was a pro-Empire group. Internationally oriented, this group included those who came from the aristocracy and were dedicated to the greatness and majesty of the British Empire. Many of them had served in Britain's former Colonies and had a special attachment to the Commonwealth ideal.⁵⁰

⁴⁷ Deakin, 'The politics of the Commonwealth Immigrants Bill', p.39.

⁴⁸ Deakin, 'The politics of the Commonwealth Immigrants Bill', pp.40-1.

⁴⁹ Foot, *Immigration and Race in British Politics*, pp.153-4.

⁵⁰ Foot, *Immigration and Race in British Politics*, pp.154-5.

The third faction "Goldwater Right" was the xenophobic and little England section of the party, whose political base was located in small business and constituencies, not in big business nor public schools. They were opposed to non-white immigration virtually from their inception and, through their efforts, a large number of anti-immigration resolutions were forwarded to the 1961 Conservative Party Conference. However, this group was poorly represented in Parliament and, until the early 1960s, not very influential.⁵¹

Until the late 1950s an informal alliance between the "Radicals" and the "Traditional Right" had blocked Parliamentary initiatives to restrict immigration. However, this delicate intra-party balance collapsed around 1959 for two reasons.⁵² Firstly, after the 1958 disturbances, the third faction supported by local constituencies gained in influence within the Party. Public anxiety over Commonwealth immigration in the affected constituencies resulted in a number of illiberal Conservative Parliamentary candidates being returned in the 1959 general election, thereby strengthening the Party's anti-immigrant lobby. Secondly, a relatively poor economic performance in Britain illustrated the difference in views between the "Traditional Right" and "Radicals" over the role of the government in economic management, which resulted in government policy being left at a standstill. This led to the break up of their alliance and worked to make a room in the Party for anti-immigration voices.⁵³

⁵¹ Foot, *Immigration and Race in British Politics*, pp.156-7.

⁵² Foot, *Immigration and Race in British Politics*, pp.157-8.

⁵³ Originally, Foot's analysis emphasises the role of a determined anti-immigration lobbyist, Cyril Osborne, the Conservative MP for Louth. Foot's analysis of intra-party dynamics is presented as a background to explain how Osborne's campaign gained support. His campaign against immigration started in 1948, and turned specifically to Commonwealth Immigration around 1952. He gradually gained support from other MPs such as Norman Pannell, the MP from Liverpool Kirkdale, Harold Gurden from Selly Oak, Martin Lindsay from Solihull. Foot claims that around 1958, probably after the urban disturbances, there appeared signs of the penetration of Osborne's thinking into the

Elite autonomy thesis

These traditional views which see government policy as reactions to external pressure, however, have major weaknesses in their interpretation of the development of the issue after 1958. There was a significant time lag (more than two years) between the Notting Hill and Nottingham disturbances and the introduction of the Commonwealth Immigrants Bill to Parliament. If Parliamentary pressure were to have a great impact in the course of policy, the Bill could have been introduced in the Parliamentary Session from the autumn of 1960, even considering the impact of the 1959 general election. Moreover it has even been pointed out that in the 1959 general election immigration did not become a major political issue.⁵⁴ It would not be a great mistake thus to claim that previous works have overemphasised public feeling and Parliamentary pressure on the policy process.

Since the late 1980s there have appeared academic works which illustrate the internal dynamism of the "black box", or discussion and process within the government. Anthony Messina points out the active role of the government elite in the immigration policy process.⁵⁵ Stressing the role of party leaders, he claims that after the 1958 disturbances or even throughout the early 1960s party leaders retained initiative within the party and kept control of the issue.⁵⁶

Party leaders kept the issue off the agenda of party competition. Both parties - Conservative and Labour - held internal divisions in their views about immigration. To refer to Foot's analysis, the increasing influence of the "Goldwater

government view. See, Foot, *Immigration and Race in British Politics*, pp.129-38.

⁵⁴ Layton-Henry, *The Politics of Race in Britain*, pp.37 and 43.

⁵⁵ Messina, *Race and Party Competition in Britain*.

⁵⁶ Messina, *Race and Party Competition in Britain*, ch.2.

Right" made an outbreak of intra-party rivalry imminent. The similar situation was found also in the Labour Party. Facing a party split, the leaders of both parties chose to avoid raising the issue onto the overt party agenda. Messina writes that 'the sharp, intra-party divisions which the race issue engendered after 1958 and the persistence of strong illiberal public opinion on the subject motivated Conservative and Labour leaders to attempt to extricate race from British politics'.⁵⁷ The emerging delicate balance within both parties forced the political elite to depoliticise the issue. Messina likewise puts stress on the room of party leaders to determine policy on their own judgement.

Since the late 1980s, another new body of research, which attempts to uncover inside stories, have been presented mainly by historians based on government archive research.⁵⁸ These works have given an historical re-examination of the events which had been raised in previous works, and, as far as immigration from Commonwealth was concerned, they have made clear that the ideas of restriction dates back to the early 1950s. However, these works have agendas of their own, such as proving the "racist" nature of the British "state"⁵⁹ or

⁵⁷ Messina, *Race and Party Competition in Britain*, p.21.

⁵⁸ For example, Bob Carter, Clive Harris and Shirley Joshi, *The 1951-55 Conservative Government and the Racialisation of Black Immigration* (Coventry, Centre for Research in Ethnic Relations, University of Warwick, 1987); D. W. Dean, 'Coping with colonial Immigration, the Cold War and colonial policy: the Labour Government and black communities in Great Britain 1945-51', *Immigrants and Minorities*, 6, 3 (1987), 305-34; D. W. Dean, 'Conservative governments and the restriction of Commonwealth immigration in the 1950s: the problem of constraint', *Historical Journal*, 35, 1 (1992), 171-94; Dennis Dean, 'The Conservative government and the 1961 Commonwealth Immigration Act: the inside story', *Race and Class*, 35, 2 (1993), 57-74; Richard Lamb, *The Failure of the Eden Government* (London, Sidgwick and Jackson, 1987); Richard Lamb, *The Macmillan Years 1957-1963: The Emerging Truth* (London, John Murray, 1995); Rich, *Race and Empire in British Politics*; and Dummett and Nicol, *Subjects, Citizens, Aliens and Others*.

⁵⁹ For example, Carter *et al.*, Rich, and Dummett and Nicol in note 58 above.

describing the immigration issue as an important issue in postwar political history,⁶⁰ so that they have not focussed directly on the policy process. Though pointing out most of the decisions taken by the Cabinet and the discussions leading to them, their research scope has been limited to the Cabinet level and their emphasis is on description rather than analysis based on particular theoretical frameworks. They are potentially liable to overemphasise the thinking and opinions of a small number of influential politicians.

The role of non-elective actors in existing works

The policy process on Commonwealth immigration has so far been given "political" answers. As the works reviewed above have shown, pressure from outside government and the role of politicians have been paid much attention to. Actually the term "elite" used in the previous works in contrast to the public and Parliament, or "the mass", denotes, in most of the works, politicians. These particular dichotomous relations between the political elites and the mass, in other words, politics, may play a significant role in the policy process. However policy can be formulated also behind politics, and often without relations to it, both during the period of de- or pre-politicisation or of politicisation in the hands of non-elective actors. Emphasising the role of politics may thus risk picking up only one aspect of the whole process. These explanations have underrated a variety of factors within the government.

Early writers cited above have pointed out the existence of inter-departmental discussions in the 1950s. From today's perspectives, however, the influence of these discussions were unjustly dismissed, and were not detailed until a few decades later when government documents became available. Relatively new

⁶⁰ For example, Dean and Lamb in note 58 above.

works identify departmental works before 1958,⁶¹ which were however treated as more or less episodic, and they lacked full accounts of the context in which departments were working over this issue.

It is important to note that this traditional dismissal of non-elective actors does not originate in the inherent nature of the subject. As the next chapter shows, this has roots in normative views about the British political system, which is strong in the discipline of political science. The role of non-elective actors has been dismissed in this area as well as in the British policy process in general.

4. Focuses of the Thesis

This thesis will emphasise the role which civil servants played in the formulation of policy. In the analysis the structure in which policy makers formulated policy will be taken account of. This will be made clear from three points.

The first point is the factor which determines the stance of policy makers. Each policy maker has stance of his/her own towards the policy issue. Policy makers have different views and approaches from each other to a particular point and policy. It is therefore important to identify considerations which determine the stance of each policy maker in concrete cases and the mesh which binds together these considerations on different occasions by a particular actor. This thesis will show that the organisational responsibility of a policy maker determine his/her stance more than other factors.

⁶¹ Layton-Henry, *The Politics of Race in Britain*; Layton-Henry, *Politics of Immigration*; Carter *et al.*, *The 1951-55 Conservative Government and the Racialisation of Black Immigration*; Dean, 'Coping with colonial Immigration, the Cold War and colonial policy'; Dean, 'Conservative governments and the restriction of Commonwealth immigration in the 1950s'; and, Dean, 'The Conservative government and the 1961 Commonwealth Immigration Act'.

The second point is the factor which determines the influence of policy makers in the policy process. In order to identify such factors, this thesis focuses on informal relationship which existed between policy makers. This is the point where the new "policy network" models have given their main emphasis. It will be exhibited in this thesis that the influence of a particular actor in the policy process is determined by his/her position in the policy network of the policy area.

The last point is the set of rules which govern relations between policy makers. There are rules which bind them and govern their interactions. Interactions between major policy makers in the policy process are not made in a condition of anarchy. This point is particularly remarkable in relations between civil servants and ministers in which they are each other expected to play different roles in constitutional terms. Here it is claimed that this constitutional role expectations bind strongly the role of each actor in the policy process, and differentiate the role of ministers from that of civil servants. Often civil servants are criticised for breaching their remits. It is true that the role of civil servants in the policy process can never be dismissed, but this is not so as to infringe the role of ministers. The role distinction makes sense in significant ways in the policy process.

This thesis proceeds to present, first, the position of this thesis in British political studies and the framework of analysis employed, then, the process analysis. Following this chapter which has shown the outline of the thesis, Chapter 2 reviews previous works on the British government and policy and shows that they have not much examined the role of civil servants in the policy process. Chapter 3 examines, and elaborates, models for policy process analysis in order to investigate the role of civil servants.

Chapters 4 to 9 give a survey of the policy process in the area of British immigration policy. This process is examined in chronological order and the stages in the development of policy are shown. The whole period from 1948 to 1964 is

separated into six historical periods, each of which being dealt with in a single chapter:

Problem recognition (1948 - 1950): the period when immigration from the West Indies began to be perceived as a problem to be tackled by the government and the Colonial Office was mainly in charge of the issue (Chapter 4);

Institutional formation (1950 - 1954): the period when the Home Office gradually took over the responsibility from the Colonial Office on the issue, a change in recognition of the issue was brought about within the government, and accordingly the institutional framework for future government action was established (Chapter 5);

Policy content formulation (1954 - 1956): the period when the views and considerations of each policy maker on the issue were crystallised, as well as public and Parliamentary interests on the issue increased, so did ministerial pressure calling for restriction (Chapter 6);

Politicisation (1957 - 1959): the period when the issue became politicised with the outbreak of the urban disturbances in 1958 (Chapter 7);

Major decision making (1960 - 1961): the period when a further increase in immigration brought a change in the Home Office's view, which led to the decision to legislation on immigration control (Chapter 8); and,

Implementation (1962 - 1964): the period when the initial differences in views between actors in implementing the provisions of the 1962 Act converged into the Home Office's line of harsh application (Chapter 9).

The findings from the process analysis in these chapters are summarised in the final chapter (Chapter 10), which highlights the role of civil servants and illuminates the structure within which the process of policy formulation took place.

Chapter 2 The British Government and Policy

The marginality of non-elective actors in research is not unique to the analysis of immigration policy. The emphasis on the elected elite is one of the traditional characteristics in British political studies so that a huge number of scholars have devoted themselves to the power and role of Prime Ministers and other Cabinet ministers. On the contrary, non-elective actors have been analysed only in terms of their relations with those of the elected elite. This is especially the case at the macro level analysis of power relations, while at the meso level analysis of the policy process, few have touched on the role of non-elective actors, in particular that of civil servants.

1. Actors in Government Policy Making

Three main areas of government policy making

Three main areas that have importance in the policy process within the British government are 1) the core executive, 2) political parties, and 3) government departments. The core executive such as the Prime Minister, senior members of the Cabinet and their advisers, senior governing party officers such as party chairman, whips, senior research officers, and senior civil servants, as well as the institutions where they act, are particularly important parts of the British government in terms of the policy process.

The role of political parties in British politics

The major debate about postwar British politics and policy is concerned with the

impact of political parties on government policy. For almost thirty years until the late 1970s, social democratic policies in the field of socio-economic areas were maintained by successive governments despite changes in party control and despite their adversary in rhetoric. These policies were based on a Keynesian approach to the economy, extensive state provision of welfare, a blend of private and public ownership in industry. The Atlantic Alliance and decolonisation in the field of external relations were also maintained throughout this period. This continuity of policy seemed to be particularly remarkable in the 1950s and 1960s, the period of "Butskellite consensus", where, it is claimed, there was broad "consensus" between the two major parties on fundamental issues. The long period of Conservative rule between 1951 and 1964, and then the period of Labour government between 1964 and 1970, produced merely conflict over details.¹

After 1979, with a clear commitment to the principles of economic liberalism, the Thatcher government tried to reduce the role of the state and give the citizens more direct control over their own affairs. The government set out to halt the rise in public expenditure, reduce direct taxation and cut the size of the civil service. Previous continuity in policy over the welfare state, the extent of public ownership and the government's economic management role was reversed. The reduction in the legal immunities and rights of trade unions, rejection of formal income policy, and the tripartite style of decision-making, according priority to the abatement of inflation, even with unemployment at over three million, privatisation of state industries and services, changes in the framework in which many public services are carried out, interventions in local government structure and imposition of far-reaching controls over its finance, changes in the welfare state, and open

¹ See for example, Dennis Kavanagh and Peter Morris, *Consensus Politics: From Attlee to Major* (Oxford, Blackwell, 2nd ed., 1994); and, David Dutton, *British Politics since 1945* (Oxford, Blackwell, 2nd ed., 1997).

hostility to the civil service and large parts of the public sector, all these constituted 'significant discontinuities' with the previous era.² It is claimed that Thatcher's premiership has changed the terrain of British politics to such an extent that many of the changes will prove irreversible.³ Her government sought to be ideologically distinctive and to make a sharp break with the past.

To what extent ideology contributed to these changes in policy remains to be seen. A partial reality is that these were brought in to cope with the change in external environments. The growing interdependence of the British economy with other economies has led to a situation where government economic policy is more at the mercy of external pressures. Policies of the governing party must recognise these pressures if they are to be effective. Many of the changes which were instituted were in harmony with many of the changes already taking place abroad by the end of the 1970s. These policy changes in Britain were made to cope with and adjust the British situation to the changes which had arisen and were arising globally.

The fact that the departure from social democratic policies occurred abruptly though the changes in external conditions were incremental shows how far the new government contributed to these changes in policy. The Thatcher administration expanded and accelerated the changes far more than her opponents would have dared or wished. The new policies were supported by an alteration in the climate of opinion and a sense that a change of direction was necessary.⁴ The Thatcher era showed that a governing party can have a marked impact upon the nature of politics and society.

² Dennis Kavanagh, *Thatcherism and British Politics: The End of Consensus ?* (Oxford, Blackwell, 2nd ed., 1990), p.317.

³ Robert Garner and Richard Kelly, *British Political Parties Today* (Manchester, Manchester University Press, 1993), p.275.

⁴ Kavanagh and Morris, *Consensus Politics*, p.127.

In contrast, scholars' views on the impact of political parties in the period up to the late 1970s were divided. One position is that the room for independence enjoyed by political parties from other actors in domestic politics is small. Having examined party manifestos, legislation, and government financial performance, Richard Rose argues that parties did not make a difference in policy. This therefore accounts for the high level of consensus politics.⁵ He argued that there were major constraints on a governing party which prevented from making a large difference from that of the policy of the previous government. These were: the existence of a high level of discipline within the party, electoral competition with other political parties, the permanent nature of the government machine and problems every government faces, and international politics and economic affairs.⁶

Above all, political parties are not free from the support of public in democratic society. Parties are primarily in the business of attaining power, which in a modern democracy involves reflecting the opinions of substantial portions of electors, and especially those 'floating' voters not firmly aligned to any one party. Fundamental differences between the major parties cause at least one of them to fail to reflect properly the concerns of the middle-ground voter, a condition that can lead to either ignominious defeat for the 'guilty' party or widespread disenchantment with the party system altogether if the failure is more general.⁷ According to this view parties cannot introduce radical policies which might lose middle-ground voters. What they can do is to differentiate themselves from other parties at the level of rhetoric only. Adversarial competition between two parties is not concerned with ideology or major policy but rhetoric or peripheral topics.⁸

⁵ Richard Rose, *Do Parties Make a Difference?* (London, Macmillan, 2nd ed., 1984).

⁶ Rose, *Do Parties Make a Difference?* pp.147-52.

⁷ Garner and Kelly, *British Political Parties Today*, p.261.

⁸ Rose, *Do Parties Make a Difference?* p.51.

A rather different view is that political parties are strong enough to introduce policies based on their own ideology. Even the poor performance of the postwar British economy is claimed to be the result of excessive party competition, which characterises adversary politics. S. E. Finer and his colleagues argue that Britain has suffered from excessive party competition, especially since the 1960s, with particularly damaging consequences for the continuity of stabilisation policy (which means, measures to ensure a high level of employment without inflation), regional policy, pension policy and incomes policy.⁹

Despite the difference in view as regards the pre-Thatcher period, the case of the Thatcher government seems to show that the governing party has enough independent power to implement policies without much reference to public opinion, at least, for a short period of time.¹⁰ One unresolved point concerned with this is that the position that emphasises the role of the governing party does not often distinguish the view of party leaders and that of other members. Whether the changes in the Thatcher government were brought by party institutions or the Prime Minister as an individual is not necessarily clear. In this context studies of the Prime Minister and the core executive have developed.

2. Studies of the Core Executive

In the research of elites in British politics, the Cabinet and the Prime Minister have been the focus of most studies and have dominated the literature on government

⁹ S. E. Finer (ed.), *Adversary Politics and Electoral Reform* (London, Anthony Wigram, 1974), especially, T. Wilson, 'The economic costs of adversary system', 99-116; and D. K. Stout, 'Incomes policy and the costs of the adversary system', 117-40.

¹⁰ Garner and Kelly, *British Political Parties Today*, p.299.

machinery. Above all, the power of Prime Ministers is a main theme in recent British political studies.

Being senior party members and in most cases the heads of a government department, Cabinet ministers play a role in all three areas of the government policy making, namely, the core executive, political party and government departments. As has been pointed out above, the consensual/adversarial thesis of the British government has put emphasis on inter-party politics as far as the elites in British politics are concerned. This is applicable as a general thesis on the British government only if the condition is met that party politics is the dominant area of the British policy process, which is not however necessarily evident. The consensual/adversarial thesis fails to take account of the independence enjoyed by the core executive in the conduct of such areas as foreign policy.

The Prime Minister and the Cabinet

Under the concept of collective responsibility of the Cabinet, the idea that the Cabinet collectively decides policies has been traditionally, and normatively, accepted for a long time. However, as the strong leadership of the Prime Minister in the Thatcher Cabinet became apparent, an alternative idea has been gaining ground - the balance between the Prime Minister and other Cabinet members has been in favour of the former, not only in the Thatcher Cabinet but also in its predecessors.

Many works on British governments have raised the position of Prime Minister as a power institution in its own right equal to or more powerful than the British cabinet system. Since the mid 1980s works on policy making have focused greatly on this role.¹¹ In this background of emphasis on the primacy of Prime Ministers lies, unsurprisingly, the advent of Mrs Thatcher in 1979 and her policy

¹¹ For example, Anthony King (ed.), *The British Prime Minister* (Basingstoke, Macmillan, 2nd ed., 1985); James Barber, *The Prime Minister since 1945* (Oxford, Blackwell, 1991).

style of strong leadership.¹²

The decreasing importance of the Cabinet is also emphasised, while it is still considered important in the legal or constitutional sense. Accordingly one scholar has even stated that 'The Cabinet has become a residual institution'.¹³ The role of the Cabinet in policy making is now deemed to be small. Little, if any, policy originates in the Cabinet. Its role, it is claimed, is so small that it only arbitrates between conflicting departments, makes strategic decisions and approves major policy changes which might affect a number of departments.

However, this shift in power is not necessarily a recent phenomenon. Richard Crossman asserted that the shift in power from the Cabinet to the Prime Minister began in the third quarter of the last century and was completed after 1945. He claims that this was facilitated by power concentration within major political parties and the growth of a centralised bureaucracy.¹⁴

Researchers have tried to find out the source of the power of the Prime Minister.¹⁵ Firstly, the remit to appoint and dismiss about twenty Cabinet ministers and sixty junior ministers of sub-Cabinet rank is a part of his/her power base. Almost one third of the ruling party MPs, including three dozen MPs appointed to the Parliamentary private secretary position, acquire a post in the government.¹⁶

¹² King (ed.), *The British Prime Minister*, p.4.

¹³ Martin Burch, 'The demise of Cabinet government?' *Teaching Politics*, 14, 3 (1985), 343-62, p.359.

¹⁴ Richard Crossman, 'Introduction' in Walter Bagehot, *The English Constitution* (London, Fontana, 1963), pp.51-2.

¹⁵ See, for example, A. Grant Jordan and J. J. Richardson, *British Politics and the Policy Process: An Arena Approach* (London, Allen and Unwin, 1987), pp.134-51; Patrick Dunleavy and R. A. W. Rhodes, 'Core executive studies in Britain', *Public Administration*, 68, 1 (1990), 3-28, pp.8-9; and Barber, *The Prime Minister since 1945*, pp.122-37.

¹⁶ Richard Rose, 'British Government: the job at the top' in Richard Rose and Ezra N. Suleiman (eds), *Presidents and Prime Ministers*, Washington, D.C., American Enterprise Institute for Public

Recognition that, once in office, a governmental post could be allotted, is no doubt one important Prime Minister's resource in maintaining party control.¹⁷

Secondly, the Prime Minister as the chairperson can decide the agenda of Cabinet meetings and summarise discussions at his/her will. Barbara Castle, a former Labour Cabinet minister, refers in her diary to this point as to how Cabinet meetings are recorded differently from participants' memories: 'One of the hazards of Cabinet government is that one is at the mercy of the Minutes, which often come out very differently from what one remembered'.¹⁸ The Prime Minister also has the authority to appoint members of Cabinet committees, with which he/she can exclude likely opponents in the Cabinet from the decision making process efficiently.

Core/central executive

Since the beginning of the 1990s, a number of studies have appeared on the extension of the emphasis on the dominance of Prime Ministers. These studies, called core/central executive studies, have a meso level focus on decision making within the government, and, through it, they try to present a structural view of the Prime Minister's power base.

They have confirmed the point that most government decisions are today made not in the Cabinet, but in the Cabinet Office, Cabinet committees, informal groups of powerful ministers, senior officials or the private staff of the Prime Minister.¹⁹ Originally these institutions or groups were used to solve problems

Policy Research, 1980), pp.1-49, pp.5-6.

¹⁷ Burch, 'The demise of Cabinet government?' p.355.

¹⁸ Barbara Castle, *The Castle Diaries 1974-76* (London, Weidenfeld and Nicolson, 1980), p.252.

¹⁹ Michael Cockerell, Peter Hennessy and David Walker, *Sources Close to the Prime Minister: Inside the Hidden World of the News Manipulators* (London, Macmillan, 1984), pp.86-7.

resulting from a huge volume of ministerial work, by either taking decisions in place of the Cabinet, or shaping decisions so as to predetermine their outcomes when they reach the Cabinet. However, it is claimed that their development has gradually come to erode the Cabinet's domain, as they came to be used as a tool for power manipulation by the Prime Minister.²⁰

These studies of networks within the Cabinet system originate in works by North American scholars in the early 1980s. One of the main characteristics of these works in approach are concerned with 'decision-makings *within* political executives in cabinet system'.²¹ In Britain the survey on these intra-government networks are necessarily concerned with those at the centre of the executive around the Prime Minister, and academics have come to call these networks of British governments variously: "central executive territory", "core executive", or "central executive".²²

These works claim that the concept of Prime Ministerial power is too simplistic. Instead, they try to illuminate the government structure supporting the primacy of the Prime Minister. Proposing a concept "central executive territory", Peter Madgwick claims that 'within the Territory the basic activities of governing go on - making choices, taking decisions, developing policy, shaping programmes,

²⁰ Thomas T. Mackie and Brian W. Hogwood (eds), *Unlocking the Cabinet: Cabinet Structures in Comparative Perspective* (London, Sage, 1985), pp.25 and 29; and, Burch, 'The demise of Cabinet government?' p.351.

²¹ Mackie and Hogwood (eds), *Unlocking the Cabinet*, p.1, italic as in original. These works in turn were influenced by early works of today's policy network approach, the details of which are discussed below.

²² These concepts are used respectively by: Peter Madgwick; Patrick Dunleavy and Rhodes; and, Martin Burch and Ian Holliday. See, Peter Madgwick, *British Government: The Central Executive Territory* (Hemel Hempstead, Philip Allen, 1991); Dunleavy and Rhodes, 'Core executive studies in Britain'; R. A. W. Rhodes and Patrick Dunleavy (eds), *Prime Minister, Cabinet and Core Executive* (London, Macmillan, 1995); and, Martin Burch and Ian Holliday, *The British Cabinet System* (Hemel Hempstead, Prentice Hall/ Harvester Wheatsheaf, 1996).

managing crises, building consent and securing approval'.²³ The Prime Minister makes use of the "central executive territory" as the power base in the way that, with 'the support of the Cabinet Office and the Prime Minister's Office', 'The Prime Minister chairs the Cabinet, controls its agenda, manages the committee system, and has the major influence on how issues will be dealt with at the centre'.²⁴ Madgwick maintains that in the mid-nineteenth century the "central executive territory" was 'little more than the Cabinet, the Prime Minister and one or two Private Secretaries'. However, by the 1990s it 'had developed into the major arena of government'²⁵ and is to include Prime Minister, Cabinet, Cabinet Committees, Cabinet Office, Prime Minister's Office, together with attendant ministers, advisers and officials.²⁶

However, so far many of the core executive studies weigh so heavily on describing institutions that their analysis is as yet impressionistic as far as actual policy making is concerned. In this respect R. A. W. Rhodes, proposing research agenda for further studies on the "core executive", shows a functional definition of the concept of the "core executive" as follows: 'all those organizations and procedures which coordinate central government policies, and act as final arbiters of conflicts between different parts of the government machine'.²⁷ Analyses of the structure and functions of intra-governmental networks from the view of core/central executive studies are still at the beginning.

Cabinet committees within the Cabinet system

²³ Madgwick, *British Government*, p.258.

²⁴ Madgwick, *British Government*, p.237.

²⁵ Madgwick, *British Government*, p.258.

²⁶ Madgwick, *British Government*, p.5.

²⁷ R. A. W. Rhodes, 'From Prime Ministerial power to core executive' in R. A. W. Rhodes and Patrick Dunleavy (eds), *Prime Minister, Cabinet and Core Executive* (London, Macmillan, 1995), pp.11-37, p.12.

As a preparation for the process analysis from Chapter 4, the institution of Cabinet committees and their functions within the Cabinet system are referred to here. The Cabinet committee is one of the institutionalised systems for coordination within the central government. A lot has been written about the organisation of Cabinet committees,²⁸ though existence of Cabinet committees had not been officially confirmed by the government for a long time.²⁹

The history of the Cabinet committee system is alleged to be traced back to the mid nineteenth century.³⁰ Early committees were *ad hoc*, temporary, and usually dissolved once an issue was settled. The first standing committee was the Committee of Imperial Defence which was established in 1903. During the First and Second World Wars the committee system greatly expanded. A principle was established during the Second World War that, subject to a possible reference to the Cabinet, committee's conclusions were to have the same authority as that of the Cabinet. The reference of committee matters to the Cabinet was restrained and, from 1969 onwards, matters discussed in the committee can be sent to the Cabinet only with agreement by the committee chairperson.³¹

One of the most detailed description of the Cabinet committee system is found in Simon James's work. Examining power relations between ministers and

²⁸ For example, Brian W. Hogwood and Thomas T. Mackie, 'The United Kingdom: decision sifting in a secret garden' in Mackie and Hogwood (eds), *Unlocking the Cabinet*, pp.36-60; Peter Hennessy, *Cabinet* (Oxford, Basil Blackwell, 1986); and, Simon James, *British Cabinet Government* (London, Routledge, 1992).

²⁹ In 24 May 1979, in response to a Parliamentary question, Margaret Thatcher, Prime Minister, officially announced for the first time the establishment of four main committees and their chairpersons.

³⁰ Burch, 'The demise of Cabinet government?' p.348.

³¹ Burch, 'The demise of Cabinet government?' p.349. The distinction between Cabinet committees and informal ministerial meetings are important in this respect, as Cabinet committee's decisions have the same authority with Cabinet decisions.

civil servants, and between the Prime Minister and other ministers, he argues that 'Britain is not governed by the Cabinet but by a Cabinet system, an elaborate pyramid of which the Cabinet is only the pinnacle'.³² The Cabinet has become severely overloaded and is unable to increase the number of meetings anymore. In response, according to James, a large network of committees has evolved.³³ Today the Cabinet discusses only a small proportion of government business: 'Most decisions are taken by committees, settled through bilateral discussion between ministers or agreed by correspondence'.³⁴ Cabinet committees relieve pressure which is exerted on the Cabinet by settling as much as possible at lower levels or by sieving through issues and clarifying the points of disagreement.

Cabinet committees are classified in terms of duration and composition. Standing committees exist throughout a Prime Minister's term in office, while *ad hoc* committees usually have a shorter life and mainly deal with a single, but important, issue. Ministers, civil servants, and both compose ministerial committees, official committees, and mixed committees, respectively.³⁵ Though previous studies have pointed out two kinds of committees in terms of composition - ministers or civil servants, almost all descriptions are, in fact, about *ministerial* committees. Needless to say that only ministerial committees have the same authority with the Cabinet.

In their relations with the Cabinet, Cabinet committees take decision in effect, with often the Cabinet merely endorsing or legitimating committee's decisions.³⁶ Therefore, in its relations with ministerial committees, Mackie and Hogwood summarise the role of the Cabinet as follows: 1) to set strategic guidelines

³² James, *British Cabinet Government*, p.4.

³³ James, *British Cabinet Government*, p.11.

³⁴ James, *British Cabinet Government*, p.4.

³⁵ Hennessy, *Cabinet*, pp.30-1.

³⁶ Mackie and Hogwood (eds), *Unlocking the Cabinet*, p.2.

within which Cabinet committees and individual ministers operate; 2) to give selective reviews of Cabinet committee decisions; 3) to resolve controversial issues that Cabinet committees have been unable to resolve, or which go straight to Cabinet; 4) to legitimise decisions of Cabinet committees.³⁷

In their relations with the Prime Minister, Cabinet committees have offered him/her an arena where he/she can exercise his/her influence most effectively.³⁸ This is due to Prime Minister's appointment of committee members, his/her chairpersonship as well as the secrecy of the committee. A recent study by Patrick Dunleavy based on the information about John Major's Cabinet of 1992 also suggests Prime Minister's dominance in the Cabinet committee system.³⁹

Bias on the elective elite in British political studies

British political studies have produced a large number of works on power structure and elective elites. In contrast, few works have been produced on the role of non-elective elites in the policy process. This imbalance in research has to do with some assumptions about British politics. There is a widely held belief in British politics that elected elites play crucial roles in political issues. British political culture provides a favourable condition for this belief to prevail. As Walter Bagehot described Britain as a "deferential nation", political culture in Britain tends to uphold the idea of strong political leadership, which the public is expected to follow.⁴⁰ In fact, it is even pointed out, on most policy questions, the public is

³⁷ Mackie and Hogwood (eds), *Unlocking the Cabinet*, pp.10-2.

³⁸ Burch, 'The demise of Cabinet government?' p.354; James, *British Cabinet Government*, pp.63-9.

³⁹ Patrick Dunleavy, 'Estimating the distribution of positional influence in cabinet committees under Major' in R. A. W. Rhodes and Patrick Dunleavy (eds), *Prime Minister, Cabinet and Core Executive* (London, Macmillan, 1995), pp.298-321.

⁴⁰ Walter Bagehot, *The English Constitution* (London, Fontana, 1963[1867]), p.247-51. For this

either generally disinterested or content to follow policies presented by elected leaders.⁴¹ Moreover, this belief matches with a widely held liberal conviction that, in a democratic political system, power should reside in democratically elected representatives. The sympathy with the democratic normative view has helped the schema of strong ministers to dominate in society. Under these circumstances the general proposition, real or imagined, that elected elites have more power than others is easy to accept.

This belief is difficult to refute, for the concept of power, the key concept underlining these assumptions, is often difficult to conceptualise and evaluate in empirical research. The concept of power is highly abstract so that, at a different level of analysis, different concepts of power are necessary.⁴² The traditional interest of political science is the distribution of power in a polity. The location and source of, and measures of exercising, power have been the main focus. However, because of this conceptual ambiguity, the emphasis on power in British political

aspect of British political culture, see also, Robert D. Putnam, *The Beliefs of Politicians: Ideology, Conflict and Democracy in Britain and Italy* (London, Yale University Press, 1973), pp.196-203; and, Richard Rose, *Politics in England: Change and Persistence* (Basingstoke, Macmillan, 5th ed., 1989), pp.143-8.

⁴¹ For example, David Butler and Donald Stokes, *Political Change in Britain: The Evolution of Electoral Choice* (London, Macmillan, 2nd ed., 1974), pp.276-85.

⁴² The difficulty of conceptualising power is particularly true when research focuses on the meso-level subjects such as the policy process of a particular issue. Take the minister-civil servant relationship, for example. Views of the civil servant are hidden from outside. Minister's decisions may be affected by the civil servant's view. Differences in views between the minister and the civil servant may be sought to be minimised as much as possible. Observers from outside find it difficult to judge whether a particular decision originates in a personal view of the minister or civil servants' opinions. When opinions of both are the same it does not mean the opinion necessarily comes from the minister. This view of power has much in common with the position taken by Bachrach and Baratz. See, Peter Bachrach and Morton S. Baratz, 'Two faces of power', *American Political Science Review*, 56, 4 (1962), 947-52; and, Peter Bachrach and Morton S. Baratz, 'Decisions and nondecisions: An analytical framework', *American Political Science Review*, 57, 3 (1963), 632-42.

studies is liable to be a prey of dogmatism of normative and philosophical views. The influence of the non-elected personnel is often viewed with suspicion and caution. A view on where power *should* be easily intrudes into the question of where power *is*.

The belief, or elitist view, that Britain is a society run by democratically elected elites helped to delineate the scope of studies of politics.⁴³ Research undertaken on the central government has put emphasis, even excessively, on key actors and institutions - in particular the Prime Minister, the Cabinet and the core executive. Worse still, these works on the political elite have produced results which have worked, in turn, to re-strengthen this elitist belief. These tendencies have particularly been exacerbated by the emphasis on the role played by Mrs Thatcher.

It is on this recognition that this thesis deals with the policy process in the executive-departmental side of the British government, highlighting the role of civil servants in the policy process. In the following sections of this chapter the existing views on these areas are examined.

3. Studies of Civil Servants

In contrast to the abundance of literature about the executive and political parties, examinations of actors outside of this area in the policy process have been limited. One of the actors little surveyed in the policy process is the civil servant. The term

⁴³ The number of works apparently tried to counter this elitist view in British politics is small. Christopher Hewitt's work is one of the oldest, but still most important, among them. See, Christopher Hewitt, 'Policy-making in postwar Britain: a national level test of elitist and pluralist hypotheses', *British Journal of Political Science*, 4, 2 (1974), 187-216.

"civil service" or "civil servants" is used here to designate (unless otherwise indicated) administrative class (so-called higher civil servants), which have a title of Principal or higher, who work for the central government departments ("Whitehall").⁴⁴ This administrative elite, whose number is about 4000, engage in departmental management and involved in national policy making.

There are many accounts by the former ministers of the civil servant's role in policy formulation. For example, Richard Crossman, a former Labour Cabinet minister, refers to the civil servant's involvement in inter-departmental coordination and claims that principles of government departments are predetermined through advance inter-departmental coordination: 'Whitehall likes to reach an official compromise at an official level first so that Ministers are all briefed the same way'.⁴⁵ Barbara Castle, another former Labour Cabinet minister, remarks that: 'The department did the horse-trading and having struck their bargains at official level they then briefed their Ministers on it, and so at cabinet meetings I suddenly found I wasn't in a political caucus at all. I was faced by departmental enemies'.⁴⁶

Philip Norton, a British political scientist, depicts the "unelective dictatorship" of civil servants as follows:

Officials . . . have the opportunity, should they choose to exercise it, to skew advice in favor of a particular course of action. They can swamp a minister with an excess of paperwork to obscure the importance of a particular document. They can submit important documents at the last minute to prevent time for reflection

⁴⁴ Difficulty of unanimously defining civil servants in Britain is explained by Gavin Drewry and Tony Butcher. See, Gavin Drewry and Tony Butcher, *The Civil Service Today* (Oxford, Basil Blackwell, 2nd ed, 1991), pp.8-30.

⁴⁵ Richard Crossman, *Inside View: Three Lectures on Prime Ministerial Government* (London, Jonathan Cape, 1972), p.73.

⁴⁶ Barbara Castle, 'Mandarin Power', *Sunday Times*, June 10, 1973, pp.17 and 19, p.17.

and outside advice. They can schedule so many meetings that the minister has little time to devote to particular issues. And, if these techniques fail to work, they can brief their counterparts in other departments, engage in some degree of misinterpretation of the minister's wishes, or simply stall until a new minister takes over.⁴⁷

Generally speaking, however, studies of civil servants have been given, more or less, marginal status in the analyses of the policy process. Previous studies of British governments have not paid much attention to this aspect. As shown below, when British political studies surveyed the role of civil servants, the focus has been confined to macro analyses of power relations, in particular those between ministers and civil servants and related subjects.

Minister-civil servant relations

Constitutionally the roles of ministers and civil servants are supposed to be clearly differentiated: the role of ministers is to take decisions on policy issues and to defend them in Cabinet or other ministerial meetings, while the role of higher civil servants is to assist ministers on what they should do, including presenting options. The civil servant is an adviser of ministers and implementator of ministerial decisions. Brian Hayes, the then Permanent Secretary of the Ministry of Agriculture, confirmed this division of labour, in a radio programme in 1981 as follows:

Civil Servants ought not to have power because we're not elected. Power stems from the people and flows through Parliament to the minister responsible to Parliament. The civil servant has no power of his own. He is there to help a minister and to be the minister's agent . . . I think the job of the civil servant is to

⁴⁷ Philip Norton, *The British Polity* (London, Longman, 3rd ed., 1994), p.203.

make sure that his minister is informed; that he has all the facts; that he's made aware of all the options that he is shown all the considerations bearing on those options.⁴⁸

However, it may be fair to say that Hayes's idea about relations between ministers and civil servants is a normative image based on legal or constitutional views, rather than reality.

This view of "division of labour" is countered by the claim that the influence of ministers in policy making is decreasing, while that of civil servants is increasing. Tony Benn told in the same radio programme that:

The deal that the civil service offers a minister is this: if you do what we want you to do, we will help you publicly to pretend that you're implementing the manifesto on which you were elected . . . they are always trying to steer incoming governments back to the policy of the outgoing government, minus the mistakes that the civil service thought the outgoing government made.⁴⁹

The difficulty ministers have in exercising control over civil servants has been raised mainly by Marxist writers or socialist activists.⁵⁰ It is "suspected" that there are plots to exclude radical ministers from policy making by using Cabinet

⁴⁸ Quoted from Hugo Young and Ann Sloman, *No, Minister* (London, British Broadcasting Corporation, 1982), pp.20-1.

⁴⁹ Quoted from Young and Ann Sloman, *No, Minister*, pp.19-20.

⁵⁰ For example, Ralph Miliband, *The State in Capitalist Society* (London, Quartet Books, 1973[1969]); Brian Sedgmore, *The Secret Constitution: An Analysis of the Political Establishment* (London, Hodder and Stoughton, 1980); Tony Benn, *Arguments for Democracy* (London, Jonathan Cape, 1981); and Peter Kellner and Lord Crowther-Hunt, *The Civil Servants: An Inquiry into Britain's Ruling Class* (London, MacDonald Futura Publishers, 1980).

committees and to manipulate information. Sedgemore asserts that there is an elite coalition of the civil service, business and the industry (he calls this "corporatism") so as to exclude ministers from their policy making circle.⁵¹

One simple and evident reason that makes it difficult for ministers to manage their civil servants is the overload of ministers. The range and amount of jobs ministers are expected to do exceed the capacity of an individual to do them. Moreover the number of civil servants is too great for a minister to control. A survey shows that the number of the personnel with Principal or higher ranks in Whitehall is about 4000, while the number of ministers is 100 - the ratio is as much as 40 to 1 in the civil servants favour.⁵² Moreover the jobs of the minister extend to non-departmental matters, such as Cabinet, Parliament, constituency and the media. Bruce Headey's interviews conducted in 1969 with fifty ministers in the postwar era, showed that weekly working hours of ministers were 60 hours or more, of which only twenty hours were available for departmental matters.⁵³ A Chief Secretary to the Treasury in the Wilson Cabinet recalls his life in office as follows: 'not only would I be working seven days but also much of the evenings and nights too . . . Even with that amount of time spent working, it was often extremely difficult to read the papers adequately to brief myself for the host of meetings I had to attend'.⁵⁴

In postwar governments the constitutional division of labour in minister-

⁵¹ Sedgemore, *The Secret Constitution*, pp.35-43.

⁵² Bill Coxall and Lynton Robins, *Contemporary British Politics: An Introduction* (Basingstoke, Macmillan, 1992 ed., 1992), p.146. Richard Rose shows that the ratio of Cabinet ministers to higher civil servants rose from about 1 to 15 to 1 to 35, during the period between 1967 and 1980, the year when Thatcher started a cutback in the size of the civil service. See, Richard Rose, 'The political status of higher civil servants in Britain' in Ezra N. Suleiman (ed.), *Bureaucrats and Policy Making: A Comparative Overview*, New York, Holmes and Meier, 1984), pp.136-73, p.163.

⁵³ Bruce Headey, *British Cabinet Ministers: The Role of Politicians in Executive Office* (London, George Allen and Unwin, 1974), pp.35-6 and 297-8.

⁵⁴ Joel Barnett, *Inside the Treasury* (London, Andre Deutsch, 1982), pp.16-7.

civil service relations - the civil servant assist the minister to take decisions - is. it seems, hard to maintain. Most decisions are made by civil servants, while ministers are involved only in important matters. The balance shifts, to a considerable extent, in favour of civil servants, whose influence on policy formulation has become large, even on important issues.

This much suspected deviance from the constitutional ideal has provided an impetus for other studies concerning civil servants. As well as ministerial overload, these studies have been looking for structural reasons inherent in the government machinery as to ministers' weakness in management. Martin Burch argues that minister's inability to handle civil servants is fundamental in that 'a system of control by ministers designed to operate in nineteenth century conditions of limited administration is incapable to meet a large scale and highly specialised government these days'.⁵⁵

Since the 1970s, surveys on the British civil service have two main focuses related to this point - the social background of civil servants and the organisation and management of government departments.

Social background of civil servants

Minister-civil service relations have been further explored by the method of elite survey. Focussing on social attributes, these works are to find out the power base of civil servants.⁵⁶ They have a root in the sociological approach of leadership which tried to prove the existence of a ruling class or the power elite in the social

⁵⁵ Burch, 'The demise of Cabinet government?' p.359.

⁵⁶ For example, Colin Campbell, *Governments under Stress: Political Executives and Key Bureaucrats in Washington, London and Ottawa* (London, University of Toronto Press, 1983); Rose, 'The political status of higher civil servants in Britain'; and Geoffrey J. Gammon, 'The British higher civil service: recruitment and training', *Public Policy and Administration*, 4, 1 (1989), 28-40.

structure.⁵⁷

These politico-sociological studies of the civil servant have an additional aim, not only to show the difference in background or career between ministers and civil servants, but also to discover convincing links between the civil servant's way of thinking and his/her social background. Therefore at first it is often emphasised that senior positions of the civil service are dominated by male, Oxbridge-graduate, generalists. At the level of Principal or above, less than 1 in 10 are women. Among newly recruited future senior civil servants in 1985, 2 in 3 were Oxbridge graduates. More than half hold an arts degree rather than one in science or social science.⁵⁸

Also stressed are the specialist characters of civil servants compared to ministers. Almost all higher civil servants start their official careers at the Assistant Principal grade or its equivalent, and they are promoted, in most cases, solely within the Whitehall "community".⁵⁹ As a consequence, firstly, they are usually engaged in similar jobs for longer terms than ministers, even if not, they are not amateurs in the field. In contrast, the average length of a ministerial office after 1945 is two years.⁶⁰ The depth of specialist knowledge of civil servants is not at all comparable with that of ministers. Secondly, even though an individual civil servant may be

⁵⁷ C. Wright Mills suggests the existence of the "power elite" in American society which controlled the US political system, dominating the major positions in the government, large business and military. Based on sociological studies of the top personnel of the national institutions, the relative cohesiveness of the power elite is claimed to be derived from the overlap and close relations of leaders in these institutions. This was reinforced by shared social background and educational experience. Paul Sweezy interprets such elite from class concepts ("ruling class"). See, C. Wright Mills, *The Power Elite* (New York, NY, Oxford University Press, 1956); and, Paul Sweezy, 'Power elite or ruling class', *Monthly Review*, 8 (1956), 138-50.

⁵⁸ Drewry and Butcher, *The Civil Service Today*, pp.64-72; see also Richard A. Chapman, 'Civil service recruitment: fairness or preferential advantages', *Public Policy and Administration*, 8 (1993), 68-73; and, Sedgemore, *The Secret Constitution*, pp.148-53.

⁵⁹ Rose, 'The political status of higher civil servants in Britain', p.142.

⁶⁰ Coxall and Lynton Robins, *Contemporary British Politics*, p.147.

new to a post, "institutional" memories about the work have been accumulated in departmental files, which help him/her to execute the job along the predetermined path.⁶¹ Anyone who comes from outside Whitehall - ministers, policy advisors or whomsoever - are absorbed in the accumulated knowledge of Whitehall and to adjust their views along Whitehall lines.⁶²

The ministerial character of the short term in office and the relative lack of knowledge about departmental matters are the main reasons for the penetration of senior civil servants in policy making. Not all ministers who have taken office have knowledge of what his/her department covers. Therefore, as Coxall and Robins cite as the comment of a former Permanent Secretary of the Treasury, ministers accept three quarter of the opinions civil servants present to them.⁶³

Organisation and management of the department

The organisation and management of the government department is another subject relatively well surveyed. Describing metaphorically the Whitehall as a "village", Heclo and Wildavsky have pointed out the culture of bureaucracy, which is based on unique rules, custom and ideas, and exceeds departmental boundaries but significantly independent from other social groups.⁶⁴ In the "village" the minister is recognised as the leader of the department. A "strong" minister who is able to assert the interests of his/her department in negotiations of a minister level gains the support of the department, while a "weak" minister who is unable to do so becomes subject to contempt from the department.

In Whitehall culture protecting organisational interests is a prime value.

⁶¹ Rose, 'The political status of higher civil servants in Britain', p.155.

⁶² Rose, 'The political status of higher civil servants in Britain', pp.161-2.

⁶³ Coxall and Lynton Robins, *Contemporary British Politics*, p.147.

⁶⁴ Hugh Heclo and Aaron Wildavsky, *The Private Government of Public Money: Community and Policy inside British Politics* (Basingstoke, Macmillan, 1974).

Therefore, for example, one visitor to the "village", Joe Haines, Harold Wilson's Press Secretary, was amazed and stated later in 1977 that 'I believe the civil service today is at the peak of its power' and that 'The danger we face is that the civil service has achieved too much power'.⁶⁵ He criticised the waste in Whitehall: despite the strong objections of Michael Foot, when he was Employment Secretary, senior civil servants achieved high pay rises in 1974; the Ministry of Defence was running 200 cars for senior servants; the same Ministry had 164 Press Officers in 1976, when the Home Office managed to get by on fewer than thirty and the Foreign Office had just 11.⁶⁶ Defense for its own organisation is raised as the main mode of operation of civil servants. Dunleavy and Rhodes, taking the failure of reduction in government spending under Heath and Thatcher governments as examples, assume that the emphasis of civil servants is on maximising departmental budgets and maintaining his/her own welfare.⁶⁷

The organisation of government departments and their change is another major subject of study.⁶⁸ From earlier periods, the development of the central government, the size of the civil service, the number of departments have been surveyed.⁶⁹ Organisational reforms are also a popular subject.⁷⁰ Examining

⁶⁵ Joe Haines, *The Politics of Power* (London, Jonathan Cape, 1977), p.25.

⁶⁶ Haines, *The Politics of Power*, pp.18-24). Similar examples are shown in a work by Leslie Chapman, a former civil servant in the Department of the Environment. See, Leslie Chapman, *Your Disobedient Servant* (London, Chatto and Windus, 1978), pp.40-55.

⁶⁷ Dunleavy and Rhodes, 'Core executive studies in Britain', p.16.

⁶⁸ cf. Martin J. Smith, David Marsh and David Richards, 'Central government departments and policy process', *Public Administration*, 71, 4 (1993), 567-94, pp.575-7.

⁶⁹ For example, D. N. Chester and F. M. G. Wilson, *The Organization of British Central Government, 1914-1956* (London, George Allen and Unwin, 2nd ed., 1968); and, Brian Smith and Jeffrey Stanyer, *Administering Britain* (London, Martin Robertson, 1976).

⁷⁰ For example, Richard Clark, 'The machinery of government' in William Thornhill (ed.), *The Modernization of British Government* (London, Pitman, 1975), pp.63-95; Brian W. Hogwood, *Trends in British Public Policy: Do Governments Make Any Difference ?* (Buckingham, Open

changes in organisation of the governments between 1914 and 1974, Richard Clark claims that the changes came about as a result of gradual realisation that 'it was practicable to reduce the number of major departments radically' and that a consensus gradually came into being that 'a structure with a few very large departments is more effective than one with many smaller departments'.⁷¹ He identifies, as the 'underlying forces at work' of these changes, considerations on increasing ministerial places, improving coordination and increasing the size of departments. Meanwhile, Brian Hogwood argues that, since 1974, there has been some shift away from larger departments. He argues that there appeared moves towards rationalisation and consolidation of functions as government departments more closely correspond to major public expenditure functions.⁷²

Since the 1980s, the structure of the main departments and their budgets and management have been added in the list of research subjects. Reforms of organisations and management since Thatcher's premiership (e.g. Financial Management Initiative (FMI) and the "Next Steps") in particular have produced substantial academic studies.⁷³

University Press, 1992); and, Colin Pollitt, *Manipulating the Machine: Changing the Pattern of the Ministerial Departments, 1960-1983* (London, Allen and Unwin, 1984).

⁷¹ Clark, 'The machinery of government', p.93.

⁷² Hogwood, *Trends in British Public Policy*, p.175.

⁷³ For example, Andrew Flynn, Andrew Gray and William I. Jenkins, 'Taking the Next Steps: the changing management of government', *Parliamentary Affairs*, 43, 2 (1990), 159-78; Leo Metcalfe and Sue Richards, *Improving Public Management* (London, Sage, 1990); Patricia Greer, *Transforming Central Government: The Next Steps Initiative* (Buckingham, Open University Press, 1994); Geoffrey K. Fry, *Policy and Management in the British Civil Service* (London, Prentice Hall/Harvester Wheatsheaf, 1995); and, Colin Campbell and Graham K. Wilson, *The End of Whitehall: Death of a Paradigm ?* (Oxford, Blackwell, 1995).

4. Studies of Civil Servants from Policy Perspectives

In contrast to the works derived from the interest in minister-civil servant relations, studies of the executive-departmental line, or more specifically, the role of civil servants in terms of government policy making, are not popular. Major models among them are Jordan and Richardson's bureaucratic accommodation model and a variety of Whitehall models.

Bureaucratic accommodation model

Government departments are emphasised by Grant Jordan and Jeremy Richardson when they discuss consensual style of policy making in Britain. They found consensual nature of British politics in the government department - interest groups relations. In Britain preferred operational procedures of 'handling problems' are to avoid electoral politics and public conflict in order to reach consensus or 'accommodation' in the labyrinth of consultative machinery.⁷⁴ Such a system in which the prominent actors are groups and government departments and the mode is bargaining rather than imposition is termed "bureaucratic accommodation". This is, they believe, the most common style of policy-making in Britain, and is designed to produce consensus and agreement among important actors.

The relationship between the bureaucracy and interest groups is claimed to be often symbiotic. The existence of separate policy sectors reflecting departmental boundaries leads to clientalistic relationships between departments and groups, in which the essential nature of the relationship is consultative and negotiative. These dominant policy style is caused by two factors: a cultural bias which emphasises the

⁷⁴ Grant Jordan and Jeremy Richardson, 'The British policy style or the logic of negotiation ?' in Jeremy Richardson (ed.), *Policy Styles in Western Europe* (London, George Allen and Unwin, 1982); and, Jordan and Richardson, *British Politics and the Policy Process*.

need to legitimate decisions through consultation; and a functional necessity for governments to consult the 'affected interests'.⁷⁵

In the bureaucratic accommodation thesis, policy making and implementation takes place via networks of relationships, where civil servants sit at the centre of the network. In a world of specialisation and increasing complexity, with its deep interdependency of organisations, groups and individuals, it is inevitable that bureaucracies should be extremely powerful.⁷⁶ In formulating policies, civil servants are the more likely, compared with politicians, to have some notion of feasibility. It may be closely related to their perceptions of what will be resisted at the implementation stage. The bureaucratic preoccupation tends to be the minimisation of disturbance, the securing of a stable environment or negotiated order, rather than significant policy change.⁷⁷ As one of the conditions of successful implementation the affected groups are closely involved in the formulation of the policies. They have technical expertise which civil servants lack,⁷⁸ thus consultation and negotiation tend to arise.

The Whitehall models

The bureaucratic side of the government is modelled and labelled metaphorically as the "Whitehall model" in contrast to the "Westminster model", which deal with the legislative side of the government whose main component is Parliament. For example, Anthony Birch points out the independence from Parliament of the executive-department branch composed of ministers and civil servants.⁷⁹ Many

⁷⁵ Jordan and Richardson, *British Politics and the Policy Process*, p.171.

⁷⁶ Jordan and Richardson, *British Politics and the Policy Process*, pp.178-9.

⁷⁷ Jordan and Richardson, 'The British policy style', p.92.

⁷⁸ Jordan and Richardson, *British Politics and the Policy Process*, p.171.

⁷⁹ Anthony H. Birch, *The British System of Government* (London, George Allen and Unwin, 3rd ed., 1973), pp.33-8.

initiatives were claimed to be taken from within the bureaucracy rather than from politicians in Parliament. The British bureaucracy conducts its affairs in substantial independence of Parliament, not only in respect of defence and foreign relations but also in respect of domestic matters. It is Whitehall rather than Parliament that is depicted as the centre of government.

This is a view mainly focussed on the policy side of the British government. In contrast to the "Westminster model" that focuses on the democratic accountability side of the government based on the values of the democratic theorist, the Whitehall view is based upon the values of the administrator, who sees government as a way of providing public services and promoting the public interest, and tends to regard party conflict as a distraction which may be necessary but which is somewhat irrelevant to the main business in hand.⁸⁰

The perspectives raised in the previous section take the position that the working principle of civil servants functions to oppose the division of labour between ministers and civil servants. Although Birch did not specifically present the division of labour in his Whitehall model by himself, there is a claim by others that, until managerial reforms that began in the 1970s and further promoted under the Thatcher administration changed the traditional relations between ministers and civil servants radically, the division of labour was working considerably in the British governments up to the 1964 - 1970 Wilson government. Such division of labour that conforms with normative ideas was possible not because ministers and civil servants are in adversarial relations but because they are in interdependence and in need of each other.

For example, Colin Campbell and Graham Wilson explain their own Whitehall model with regard to minister-civil servant relations in the pre-Thatcher period, which was also exported to other countries having close links with Britain.

⁸⁰ Birch, *The British System of Government*, p.38.

Raised as a 'marriage of democratic politics and intellectual brilliance', their interdependence takes the form that democratically elected politicians make policy as a result of collective negotiation but this was assisted in developing and implementing policies by civil servants selected on merit.⁸¹

Four elements are emphasised in this model.⁸² Civil servants are at first to be neutrally competent in that they serve loyally on behalf of the government established according to due procedures; secondly, higher civil servants are to exist as a profession without fear that their careers might be harmed by political pressures; thirdly, civil servants are to be accorded a near monopoly on providing policy analysis and advise to ministers; and fourthly, both ministers and civil servants are to endorse the right and responsibility of democratically elected ministers as the final decision-takers.

Civil servants in the policy process

As has been argued, British political studies have produced a large number of works on power structure and elective elites. In contrast, few works have been produced on the role of non-elective elites in the policy process. What is important here is that the imbalance of academic research, by no means, implies that non-elective elites are minor actors in the policy process. The role of civil servants might be underrated. Rather as Martin J. Smith and his colleagues claim, 'There are reasons to believe that even during the Thatcher government the central unit of policy making was the department'.⁸³ Bar issues of particular interest to the Prime Minister, or those of central strategic policy, or those with a high potential for controversy, the majority of policy issues is processed at the level of civil servants.

⁸¹ Campbell and Wilson, *The End of Whitehall*, p.289 and p.303.

⁸² Campbell and Graham K. Wilson, *The End of Whitehall*, pp.32-3 and pp.61-9.

⁸³ Smith *et al.*, 'Central government departments and policy process', p.569.

This is a fact that has been acknowledged in much of the public administration literature. Keith Dowding argues:

Whosoever makes decisions, decisions about policy are made within departments. Whilst cabinet committees co-ordinate policy and agreements over interdepartmental policy may emerge there, most of the major decisions about government policy are made within departments. Only on the grand issues such as important aspects of foreign relations and the economy does the prime minister have a continual role, and rarely, even under Thatcher, does the prime minister intervene directly in policy-making.⁸⁴

Many scholars have insisted, at least, on the importance of civil servants in the policy process.

The importance of civil servants in the policy process is thus recognised; however they have received relatively little attention even in the meso level analyses of the policy process. This is the meaning that the belief in society has delineated the scope of British political studies. Holding a strong elitist bias, British political studies have paid small attention to civil servants in policy making. With the great emphasis on the top executives in the macro level analyses, they are believed to play a large role also in the policy process.

However, the macro-level statement whether non-elective actors have a power or not, and the meso-level argument what role non-elective actors play in the policy process are questions of different kinds. The difference of the level of analysis need to be fully recognised. In the policy process the "powerful" does not necessarily play a larger part than the "powerless".

⁸⁴ Keith Dowding, *The Civil Service* (London, Routledge, 1995), p.113.

Chapter 3 Framework and Methodology of Analysis

1. Role of Civil Servants in the Policy Process

Two-layer policy process

As discussed in the previous chapter, a large volume of literature has suggested that there exists an "unelective dictatorship" of civil servants within the government. These views assume that civil servants can manipulate information so that they can keep ministers from receiving information unfavourable to the views of civil servants. Nevertheless, this kind of literature does not go so far as to deny the existence of any divisions of labour between ministers and civil servants as the constitutional view holds. It is expected that ministers and civil servants play different roles in the policy process. This means that, however strong the civil servant's role in the policy process may be, they cannot take the formal responsibility constitutionally assigned to ministers. The constitutional view is still effective, to some degree, in analysing the role of civil servants in the policy process.

Recognition of this role difference is important and not dismissible. In constitutional terms, civil servants are subordinate to ministers; in reality, they collaborate in producing organisational output, *i.e.* policy. They are independent from each other and their approach in the policy process are different and complementary. Accordingly the policy making arena within British governments has two layers, each corresponding to ministers and civil servants.

Autonomy of civil servants: Cases from official committees

This can be shown by the distinct existence of inter-departmental discussion at the

civil servant level, which is separate from that at ministerial level. The importance of official committees composed of senior civil servants of departments concerned should not be underestimated.

Most ministerial committees have corresponding official committees as "shadow" committees.¹ They have a, more or less, informal character. Some of them are serviced and chaired by the Cabinet Office staff so that they formally constitute a part of the Cabinet system;² however more of them are not within the formal Cabinet Office network. What are published so far, as the lists of Cabinet committees,³ are, in reality, lists of ministerial committees.

In contrast to ministerial committees, little is known about the details of official committees mostly due to their informal character. Simon James identifies three levels of "seniority" in official committees: committees of permanent secretaries, which 'meet rarely'; committees of deputy- or under-secretaries, which are 'more numerous and [meet] more often'; and committees of assistant secretaries, which 'deal with a less exalted level of problems' and are 'the most common type'.⁴

There are more descriptions of official committees in writings by politicians than by academics. Crossman refers in his Diaries to the function of official committees as follows:

¹ According to Crossman, expansion of "shadow" committees became apparent from the mid-1950s. See, Richard Crossman, *Inside View: Three Lectures on Prime Ministerial Government* (London, Jonathan Cape, 1972), p.73.

² Brian W. Hogwood and Thomas T. Mackie, 'The United Kingdom: decision sifting in a secret garden' in Thomas T. Mackie and Brian W. Hogwood (eds), *Unlocking the Cabinet: Cabinet Structures in Comparative Perspective* (London, Sage, 1985), pp.36-60, p.43.

³ For example, Peter Hennessy, *Cabinet* (Oxford, Basil Blackwell, 1986); and, Patrick Dunleavy, 'Estimating the distribution of positional influence in cabinet committees under Major' in R. A. W. Rhodes and Patrick Dunleavy (eds), *Prime Minister, Cabinet and Core Executive* (London, Macmillan, 1995), pp.298-321.

⁴ Simon James, *British Cabinet Government* (London, Routledge, 1992), pp.55-6.

The really big thing . . . was that . . . there is a full network of official committees; and the work of the Ministers is therefore strictly and completely paralleled at the official level. This means that very often the whole job is pre-cooked in the official committee to a point from which it is extremely difficult to reach any other conclusion than that already determined by the officials in advance⁵

Brian Sedgemore also contends:

The effectiveness of inter-departmental committees had grown enormously. In particular, the inter-departmental civil service committees which now parallel each cabinet sub-committee were exercising great power. Often these official committees were being used to foreclose options for ministers rather than open them up.⁶

Haines regards official committees as one of the three 'Cabinets' which the British political system embraces, along with the 'real one' of 10 Downing Street and the 'shadow' cabinet of the opposition party.⁷ He observes official committees in the Wilson government as follows:

This committee of heads of departments [the Permanent Secretaries] . . . meets each week to discuss the business which will come before Cabinet and

⁵ Richard Crossman, *The Diaries of a Cabinet Minister: Volume One, Minister of Housing 1964-66* (London, Hamish Hamilton and Jonathan Cape, 1975), p.198.

⁶ Brian Sedgemore, *The Secret Constitution: An Analysis of the Political Establishment* (London, Hodder and Stoughton, 1980), p.27.

⁷ Joe Haines, *The Politics of Power* (London, Jonathan Cape, 1977), p.16.

whether - and if so, how - Ministers will be advised on that business. If the Whitehall machine has a collective 'line' on policy, and it often does, it is at these meetings that it will emerge.⁸

The tone of Barnett criticising the officials' "Cabinet" is much harsher:

Plotting is too strong a word but there is no doubt that officials at these meetings plan how to 'steer' Cabinet and Cabinet Committees along paths Ministers may not have originally intended.⁹

The existence of the separate discussions in official committees from that at the ministerial level is as such widely known. However, its function in the policy process, and its relations with ministerial committees are little surveyed.

From description to analysis

These descriptions by politicians of official committees appear to show the obtrusive nature of civil servant's discussions. However, relations between ministers and civil servants cannot be described in such ways that ministers are mere representatives of civil servants in the ministerial arena, or that they are conflicting opponents, or that they are the absolute lord and the unfree servants. Rather they are co-operative partners within a framework in which the minister, having constitutional supremacy, allows civil servants considerable autonomy as far as they act within the principles ministers set, in order to make the management of the government more smooth and efficient.

In order to examine the role of civil servants in the policy process, it is

⁸ Haines, *The Politics of Power*, p.16.

⁹ Joel Barnett, *Inside the Treasury* (London, Andre Deutsch, 1982), p.188.

essential, therefore, to include as a focus of analysis both autonomy and constraints of civil servants, and to pay attention to both the resource of autonomy and the condition of constraints. On the whole, however, the distinct role of civil servants in the policy process is as yet not analysed. Attention to the two-layer structure of the policy process within the British government is descriptive and, in many cases, impressionistic. It is not theoretically well refined. The following section will observe the existing models of the role of civil servants in the policy process - bureaucratic politics model and policy network models - so that these are employed for analysis of the role of civil servants in the policy process.

2. Perspectives for Policy Process Analysis

Bureaucratic politics model

Few explanations would be necessary as regards Allison's bureaucratic politics model. As is well known, the model was proposed along with the organisational process model as an alternative view to the traditional analysis of external policy making.¹⁰ The external policy of a country had been analysed on the assumption of the state as a rational actor.

Allison shows the inadequacy of treating the government as a rational unitary actor in policy making. In a study of the Cuban missile crisis in 1962, he presented three different models each aiming to explain the policy process from different angles. At first, the difficulty of linking actions with goals persuasively by, what he termed, the rational actor model. He criticised model's proposition that policy is a product of the state acting as a rational actor. He claimed this was an

¹⁰ Graham T. Allison, *Essence of Decisions: Explaining the Cuban Missile Crisis* (Boston, MA, Little Brown, 1971).

oversimplification of reality. It was claimed that policy is not the output from a unitary state organisation as there is no single actor which determines policy alone.

The bureaucratic politics model was presented, along with the organisational process model, to replace the rational actor model in analysing policy making within the government. The model focuses on bargaining among individuals participating in policy making. Such an individual, each representing a different government institution, propose or oppose policy in the interests of his/her own department or himself/herself. The government is composed of a number of such competitive individuals and groups, each pursuing their own interests and protecting its own domain. Negotiations are conducted based on constitutional and administrative rules, conventions and culture. A government policy is realised either as the option preferred by a single group or a coalition of groups which happen to be dominant in the government at a particular point of time or at a particular issue area, or as a result of compromise among various proposals.

Meanwhile, the organisational process model views policy as an output from an organisation. Each organisation holds its own independent procedures, set of values, and managerial measures, which combine to constitute its "standard operating procedures". The standard operating procedures pre-exist the problem itself and are assumed to provide the mode of operation to deal with the problem.¹¹ The model assumes that the government is composed of a number of organisations.

Allison's models brought new perspectives for an analysis of the policy

¹¹ Allison, *Essence of Decisions*, p.89. The standard operating procedures may even alter or neutralise external pressure, or, more concretely, even directions from political leaders (*cf.* Steve Smith, 'Perspectives on the foreign policy system: bureaucratic politics approach' in Michael Clark and Brian White (eds), *Understanding Foreign Policy: The Foreign Policy Systems Approach* (Aldershot, Edward Elgar, 1989), p.115). The model further assumes differences in ideological attitudes among organisations, and thus emphasises the variety of policy making patterns.

process. His work received both praise and criticism.¹² Partly because of the criticism about potential compatibility of these two models, the organisational process model was later amalgamated into the bureaucratic politics model.¹³ It was recognised that 'organizations can be included as players in the game of bureaucratic politics, treating the factors emphasized by an organizational process approach as constraints, developing the notion of shared attitudes, and introducing a distinction between "decision games" [in the bureaucratic politics model] and "action games" [in the organisational process model]'.¹⁴ There is, in fact, little difficulty in merging these two models, as the major difference between them is concerned with the level of analysis. The emphases of the models were put respectively on the policy process within organisations or groups and that between them.

The essence of the bureaucratic politics model is that policy is an outcome of bargaining between conflicting groups. In the real world, however, the bargaining within the government is not made at random. Usually there are a set of rules as regards who should participate in bargaining, their resources, and how the negotiations should be conducted. In this respect bargaining is exercised in an orderly manner. Allison tells little about this point. Therefore a major criticism of his bureaucratic politics model is about its neglect of the special status of particular actors in the circle of policy makers, in his example of the Cuban missile crisis, the role of the US President.¹⁵ The bureaucratic politics model emphasises that the

¹² Criticisms of Allison's work are most concisely summarised by Steve Smith, and Jonathan Bendor and Thomas Hammond. See, Smith, 'Perspectives on the foreign policy system'; and, Jonathan Bendor and Thomas H. Hammond, 'Rethinking Allison's models', *American Political Science Review*, 86, 2 (1992), 301-22.

¹³ Graham Allison and Morton Halperin, 'Bureaucratic politics: a paradigm and some policy implications' in Raymond Tanter and Richard M. Ullman (eds), *Theory and Policy in International Relations* (Princeton, NJ, Princeton University Press, 1972), pp.40-79.

¹⁴ Allison and Morton Halperin, 'Bureaucratic politics', p.40, footnote.

¹⁵ It is worth emphasising that the organisational process model treats separately the role of

government is not a unitary actor; however it lacks propositions on the internal structure of the arena where policy makers have discussions.

Policy network models

One of the recent developments in the analysis of the policy process is the introduction of the idea of "policy network" within the government. The policy network approach has the aim to identify informal networks between actors in policy making. Rhodes argues that power within the central government is based on interdependence of policy makers rather than a zero-sum game conception.¹⁶ Organisations are dependent upon each other for, and exchange, resources to achieve their goals.¹⁷ In other words, a policy network is a network of power sharing.

The policy network approach has its origin in pluralist theories, in which it is assumed that policy is formulated in interactions between the state and social groups. A number of different policy systems, or networks of policy makers, coexist and function in parallel within one country at a time. Recognition that patterns of policy processes are largely different and that the policy process is therefore sectorised on the basis of issues so that each sector has its own participants and pattern of policy making, emerged in the 1960s from the studies of US politics. An initial hint of recognising the variety in policy areas was put forward by Theodore

political leaders in policy making from that of organisations. Political leaders were supposed to act at a higher level than others so that they coordinate outcomes from, and the working of, independent organisations. See, Allison, *Essence of Decisions*, p.87.

¹⁶ R. A. W. Rhodes, 'From Prime Ministerial power to core executive' in R. A. W. Rhodes and Patrick Dunleavy (eds), *Prime Minister, Cabinet and Core Executive* (London, Macmillan, 1995), pp.11-37, p.26.

¹⁷ Rhodes, 'From Prime Ministerial power to core executive', p.29.

Lowi.¹⁸ He claimed that the genre of policy is concerned with the pattern of the policy process. As the result of a survey of the bills submitted to the US Congress, he argued that the content of proposed policy determines the pattern of political conflicts. Policies were classified, in accordance with the function of the government, into three groups: distribution, regulation and redistribution. Then he asserted that, corresponding to this classification, three patterns, or 'arenas', were found with respect to the pattern of conflicts, actors, characteristics of the elite.

Lowi's view was extended by empirical surveys, which later resulted in discovering the national pattern in the policy process. In US politics, the close link between administrative agencies, congress subcommittees and pressure groups was claimed to be discovered. Although such sectorised policy subsystems were named variously - "whirlpool", "iron triangle", "subgovernment" - their implications are not so different as the names. Heclo meanwhile argued that there are more open systems of the policy process in US politics. He suggested that policy systems in the US became more open than before and claimed that American policy making is fragmented by an unpredictably large number of participants.¹⁹ He, therefore, insisted that concepts like "iron triangles" should be replaced by "issue networks" as policy subsystem, in which no consensus exists as to the goal of policy.²⁰

In Britain, Richardson and Jordan pointed out that the characteristic of policy making in Britain is high sectorisation.²¹ Each area has its own pattern of

¹⁸ Theodore J. Lowi, 'American business, public policy, case-studies, and political theory', *World Politics*, 16, 4 (1964), 677-715.

¹⁹ Hugh Heclo, 'Issue networks and the executive establishment' in Anthony King (ed.), *The New American Political System* (Washington, D.C., American Enterprise Institute for Public Policy Research, 1978), pp.87-124, p.88.

²⁰ Heclo, 'Issue networks and the executive establishment', p.102.

²¹ J. J. Richardson and A. G. Jordan, *Governing Under Pressure: The Policy Process in a Post-Parliamentary Democracy* (Oxford, Basil Blackwell, 1979); and, Grant Jordan and Jeremy Richardson, 'The British policy style or the logic of negotiation?' in Jeremy Richardson (ed.), *Policy*

policy process and, in general, is sectorised relatively rigidly. The British policy process is therefore not much open to outside influences, and most of the policies on non-conflictual issues tends to be formulated by a limited number of participants. In such a policy area, there is, they claimed, a relatively closed "policy community".²²

Empirical findings about various patterns of policy process have led to the construction of a unified, but more abstract, framework for accommodating policy subsystems. Ranging according to openness, Rhodes proposes the concept of "policy network" as a comprehensive typology of policy subsystems, whose ends of spectrum are Richardson and Jordan's "policy community" and Heclo's "issue network" respectively.²³

Basically the policy network models assume that actors in the network are interdependent and they are therefore supposed to cooperate with each other. However, actors in a policy network may cooperate on one issue, but may be in dispute on another. Therefore the possibility of internal conflicts in the policy network should not be dismissed. In this respect, Paul Sabatier, an American political scientist, has put forward an advocacy coalition model, where the possibility of internal bargaining by a number of coalitions in a single subsystem is taken into account. Policy brokers not belonging to the coalitions are supposed to decide which options should be adopted or how different options should be compromised.²⁴

Styles in Western Europe (London, George Allen and Unwin, 1982), pp.80-110.

²² Richardson and Jordan, *Governing Under Pressure*, pp.73-4.

²³ R. A. W. Rhodes, *Beyond Westminster and Whitehall: The Sub-central Governments of Britain* (London, Routledge, 1988), pp.48-77; see also, Martin J. Smith, *Pressure, Power and Policy: State Autonomy and Policy Networks in Britain and the United States* (London, Harvester Wheatsheaf, 1993), p.57.

²⁴ Paul A. Sabatier, 'An advocacy coalition framework of policy change and the role of policy-

One of the most recent attempts about the policy network approach is its application to the analysis of the core executive so that the approach contributes to discovering the internal network of the government. As mentioned above, the policy network approach has tended to focus its attention on government-interest group relations. However, empirical surveys, conscious of the policy network or not, have suggested the importance of paying attention to non-elective actors. Application of the policy network approach to the internal mechanism of the core executive has already contributed to the depiction of different patterns of policy process in different policy issues.²⁵ These studies have suggested that the network of domestic policies is relatively extended while that of foreign policy is closed.²⁶

Policy network models have potential to disclose the internal structure of government policy making. In so doing, these models are capable of explaining the flexibility of policy subsystems. They would show who participates in the real policy process and how participants differ in different policy areas. To the contrary, they have a risk to underestimate the importance of formal or constitutional arrangements. These impose limitations on policy makers about their actions and, therefore, affect patterns of policy process. It is thus necessary to recognise the extent of constitutional influence on the structure of the policy network.

Application of the existing models

oriented learning therein', *Policy Sciences*, 21, 2/3 (1988), 129-68.

²⁵ James, *British Cabinet Government*; and, Martin Burch and Ian Holliday, *The British Cabinet System* (Hemel Hempstead, Prentice Hall/ Harvester Wheatsheaf, 1996).

²⁶ Meanwhile in the studies of civil servants, recent works have introduced concepts such as "policy network" or "policy community". However, such works use the concept only to expose formal institutions within the government rather than to use it as a framework of analysis for flexible networks in the policy process. See, for example, Keith Dowding, *The Civil Service* (London, Routledge, 1995), pp.112-22; and, Robert Pyper, *The British Civil Service* (Hemel Hempstead, Prentice Hall/ Harvester Wheatsheaf, 1995), ch.4.

Some of the main assumptions in these two types of models - bureaucratic politics model and policy network models - will be applied in the analysis here of the British policy process within the government. Three points are particularly important.

Firstly, a focus of the bureaucratic politics model is the relationship between policy makers' bureaucratic positions and their policy preferences. The major determinants of the stance of an actor is his/her position in the government machinery: 'Where you stand depends on where you sit' so that 'the stance of a particular player can be predicted with high reliability from information about his seat'.²⁷ This factor is assumed to be more important than the actor's personality, ideology, or social background. This means that, in the case of a civil servant, maintaining the influence of his/her organisation, fulfilling the mission of the organisation, and securing its necessary capability are important, while he/she is relatively unconcerned with political implications of policy, which are a major concern for politicians.²⁸

Secondly, a major proposition of the policy network models is that the influence of an actor in the policy community depends on his/her position in the policy community. This could be described, in a similar manner to Allison's aphorism, 'how you stand depends on where you sit'. The actors assured of a central place in policy discussions within the government find it easier to have their views listened to policy circles, while those with marginal status or who are not assured of institutional places find it difficult or impossible to make their voice heard. The policy network models focus on the structure of policy making within the government. The position of each actor in the policy community is the major determinant of his/her influence in policy making of the area.

²⁷ Allison, *Essence of Decisions*, p.176.

²⁸ Allison, *Essence of Decisions*, p.167.

Thirdly, both bureaucratic politics and policy network models have weaknesses, however, in their little attention to the formal rules of negotiation within the government, or the formal structure of policy making arenas. In this respect, not only the customs and rules of convenience, but also constitutional expectations about the role of different actors should not be underrated. Every government actor has his/her own role assigned in terms of constitutional procedures. They do not have equal standings when they participate in the policy process. These roles, among others, could explain a lot about the division of labour in the policy process. It is also important to note that these role expectations reflect the polity of each country so that they produce identical patterns of policy process distinct from other countries.

These three points among others will be focussed and examined in the process analysis from the next Chapter of the policy process in the British governments from 1948 to 1964 on Commonwealth immigration.

3. Research Method

Process approach

As was pointed out previously, power is a concept hard to handle in any process analyses of policy: it is important to recognise that power relations are only a part of the policy process. Though British political studies have put a heavy emphasis on politics, *i.e.* power relations among actors, politics and policy are not in any sense synonymous.

Hideo Otake, a Japanese political scientist, argues that "political process" can be analysed as "policy process" - the development process of a particular policy

- on the one hand, and "power process" among particular actors on the other.²⁹ In empirical studies of the policy process, it might be attractive to describe a particular individual or group of people as key decision-makers. However, such stances may hide the policy process behind them. As a result of paying excessive attention to the power of individual actors, many of the extant studies have so far failed to deal with basic questions such as: how the policy process is organised; and what type of networks exist within and between government departments. The power-based approach has narrowed the scope of studies of actors such as civil servants. In the analysis of the policy process, identifying the location of power has only a limited meaning.

It is important to distinguish politics and policy. In the policy process both political and non-political aspects are important. The emphasis which political studies has put on power distribution has so far worked to limit the scope of empirical research. They have failed to pay proper attention to the non-political aspects of the policy process so that the role of civil servants in the policy process has attracted little academic interest. It is thus essential to examine the role of civil servants in the policy process on the recognition that non-political aspects are important in the policy process.

The most effective way of identifying the role of different actors in the policy process is to regard the process as one which extends over time and to deal with policy formulation as a process of negotiation over time. This thesis thus examines chronologically the role civil servants played in policy formulation on immigration from the Commonwealth in the period from 1948 to 1964.³⁰

²⁹ Hideo Otake, *Seisaku-Katei* (The Policy Process), (Tokyo, University of Tokyo Press, 1990). A similar but somewhat different conception of the "policy process" is shown by Christopher Ham and Michael Hill. See, Christopher Ham and Michael Hill, *The Policy Process in the Modern Capitalist State* (London, Harvester Wheatsheaf, 2nd ed., 1993), esp. ch.1.

³⁰ The reason for focussing on this period is partly as many of the critical decisions determining

Examination of government documents

In order to discover the role of civil servants in the policy process, this research owes its primary sources to government documents. The analysis of the policy process within the government has so far relied on two main methods - interviews and documentary survey. Works about civil servants such as those by Hugh Heclo and Aaron Wildavsky, and Colin Campbell were based mainly on interviews.³¹ Interviews are useful for discovering the subjective ideas of actors involved in the policy process.³² The data produced from this method, however, is a partial picture through intentional or unintentional screening by interviewees from today's perspective; thus the importance of a particular event of the past may be over-emphasised, while others may be neglected. Moreover this method has a fatal weakness in falsifiability. Information obtained from interviews by a researcher cannot easily be replicated by another. This hinders the application of the interview method for a theoretical analysis from being fully justified, except where few written records are available for the topic or the interviews are used as a supplementary source.

In the field of documentary analysis, such materials as diaries, memoirs and autobiographies are invaluable since they exhibit ideas while the person subject to research was in office. However, these materials are not free from intentional

British postwar immigration policy were made in this period but also because of the availabilities of the critical primary documentary materials.

³¹ Hugh Heclo and Aaron Wildavsky, *The Private Government of Public Money: Community and Policy inside British Politics* (London, Macmillan, 1974); and, Colin Campbell, *Governments under Stress: Political Executives and Key Bureaucrats in Washington, London and Ottawa* (London, University of Toronto Press, 1983).

³² Fiona Devine, 'Qualitative analysis' in David Marsh and Gerry Stoker (eds), *Theory and Methods in Political Science* (Basingstoke, Macmillan, 1995), pp.137-53, pp.140-1.

screening, either. Moreover the number of people who left these documents are, in general, limited to a small number of senior figures. Therefore these are not sufficient to uncover the whole process of policy formulation. It can therefore be concluded that suitability of interviews, diaries, memoirs and autobiographies as research materials lies in complimenting public documents by filling the gaps where, for some reasons, such documents are not available.

As far as public documents are concerned, the abundance of sources for recent political events tends to result in researchers underrating the value of these documents. However, not only in the case of history, but also of contemporary events, there is little doubt that studies of the policy process within the government cannot be separated from studies of the public record which the events created. Organisations, either public or private, produce a large amount of documents every day in every aspect of their work. Modern organisations do not work without documents. Public documents are by-product of policy and administration, and, as a result, they best reflect the internal organisation and interests of the public agencies.³³ Public documents are not just a record of the policy process but they are important components of the policy process itself.

In general, however, or because of this nature, access to public documents involves difficulties for researchers. Except for such documents as the record of Parliamentary debates, which is swiftly published, documents related to the policy process within the government are kept unpublished for a certain period of time. This constitutes a limitation for research on precise description of modern political events, as access to the departmental documents is controlled by the thirty-year rule under the 1967 Public Record Act. Public records normally become open to public

³³ John Scott, *A Matter of Record: Documentary Sources in Social Research* (Cambridge, Polity Press, 1990), p.58; and, Michael Roper, 'Public records and the policy process in the twentieth century', *Public Administration*, 55, 3 (1977), 253-69, p.254.

inspection after thirty years from the date of creation: this means, for example, in 1997 only documents filed in 1966 or before are publicly accessible. This is based on the date of the latest papers contained in the file: for example, documents of more than thirty years old which are filed together with one of 1967, are not published until 1998.³⁴ Moreover, files created on a three-year cycle basis are closed until thirty years from the completion of the cycle.³⁵

Some documents are barred from publication for longer periods (50, 75 or 100 years). Government departments can, with the Lord Chancellor's permission, retain documents of more than thirty years old. According to Anne Thurston, such files closed for more than thirty years usually contain documents falling into one or more of the following categories: personal information which would cause distress to or endanger living persons or their immediate descendants; information obtained under a pledge of confidence; confidential commercial correspondence; and exceptionally sensitive papers the disclosure of which would be contrary to public interest whether on security or other grounds.³⁶

Furthermore, not all documents in a single file are published. Documents that become available to researchers in open archives are a selection of the documents originally produced.³⁷ Documents which are not deemed to be too sensitive to disclose in the above standards would be available. However, they have generally been weeded before being deposited in the archives. The most obvious reason for this is the bulk of documents: it is physically impossible to store all the paper produced. However, it is almost impossible to know which items of

³⁴ Roper, 'Public records and the policy process in the twentieth century', p.258.

³⁵ Anne Thurston, *Records of the Colonial Office, Dominion Office, Commonwealth Relations Office and Commonwealth Office, Sources for Colonial Studies in the Public Record Office Vol.1* (London, HMSO, 1995), p.64.

³⁶ Thurston, *Records*, p.64.

³⁷ Scott, *A Matter of Record*, p.62.

documents will attract the attention of future researchers. As a result, researchers often find the criteria of selection employed for weeding unclear.³⁸

This methodological problem constitutes another reason, in addition to the normative view on policy making as seen in the previous chapter, which has restricted studies on the role of non-elective actors in the policy process. Studies on the policy process of Commonwealth immigration have so far relied on the record of Parliamentary debates and of Cabinet meetings. Minutes of Parliamentary debates are published within a few weeks after the debates. Minutes of the Cabinet meetings are subject to thirty-year rule, but, after that period, access to them is relatively easy at the Public Record Office in Kew, thanks to its exceptional open shelving system employed for those documents. Documents of ministerial committees are, though not on open shelves, filed independently from other documents so that examination of these documents are easier than that of other documents once the appropriate files are identified.

However, examination of other documents usually accompanies much difficulty. Documents of official committees are in most cases filed with other related documents in a number of files so that it is hard to identify the file containing the document in mind and it needs much more time and patience. This has undoubtedly hindered research on the role of civil servants.

Consequently, for the analysis of the policy process on Commonwealth immigration, previous works have relied heavily on Parliamentary debates and published documents of political parties. Some recent works are based on government documents but these are documents of Cabinet meetings or, at most, ministerial committee meetings.³⁹ Their focus of research generally falls into the

³⁸ Colin Holmes, 'Government files and privileged access', *Social History*, 6, 3 (1981), 333-50, p.341; and, Scott, *A Matter of Record*, p.63.

³⁹ For example, D. W. Dean, 'Coping with colonial Immigration, the Cold War and colonial

decision actually taken rather than the process leading to the decision.

Public Record Office files

Departmental documents are published in the Public Record Office (PRO) in Kew and research for this thesis mainly focuses on investigation of the documents published there. The number of files deposited in the PRO is numerous. It is therefore essential for researchers of public documents there, and also important for readers examining the merit of works produced from such research, to understand the classification of the files deposited in the PRO. Departmental files in the PRO have two classification numbers - registration number and reference number. A registration number is allotted to the file by the ministerial department when it is registered within the department. In 1951 the departmental filing code system was introduced for this registration numbering; thereby, the registration number was systematised according to the objective of the file.⁴⁰ However, the contents of files before 1951 are in general difficult to identify from the registration number.

More familiar reference numbers (*e.g.* CAB128/44, CO1032/302) consist of lettercode (CAB, CO), class number (128, 1032), and file, or piece, number (44, 302). The lettercode usually refers to the ministerial department originally in charge of the file. Lettercodes concerned with this research are CAB (Cabinet Office), CO (Colonial Office), DO (Commonwealth Relations Office, as it had been the

policy: the Labour Government and black communities in Great Britain 1945-51', *Immigrants and Minorities*, 6, 3 (1987), 305-34; D. W. Dean, 'Conservative governments and the restriction of Commonwealth immigration in the 1950s: the problem of constraint', *Historical Journal*, 35, 1 (1992), 171-94; Dennis Dean, 'The Conservative government and the 1961 Commonwealth Immigration Act: the inside story', *Race and Class*, 35, 2 (1993), 57-74; Richard Lamb, *The Failure of the Eden Government* (London, Sidgwick and Jackson, 1987); and, Richard Lamb, *The Macmillan Years 1957-1963: The Emerging Truth* (London, John Murray, 1995).

⁴⁰ Thurston, *Records*, pp.45-7 and 59.

"Dominion Office"), HO (Home Office), LAB (Ministry of Labour and National Service), MH (Ministry of Health), and PREM (Prime Minister's Office). The class defined by the class number is often called "series".

The registration and reference numbers are independent of each other and relations between them are in general irregular. For example in the case of Colonial Office files after 1951, one class generally consists of the files of one department supervised usually by an Assistant Secretary so that there are correspondence between the registration and reference numbers, while in the case of Commonwealth Relations Office files in the same period, one class based on the reference number contained the files of several assistant-secretary departments.⁴¹

Series of particular importance for this research are:

Cabinet Office

CAB128	(Cabinet meetings minutes)
CAB129	(Cabinet meetings papers)
CAB130	(<i>ad hoc</i> ministerial committees)
CAB134	(standing ministerial committees)

Colonial Office

CO323 and CO1032	(General Department)
CO859	(Social Service Department)
CO876 and CO1028	(Welfare and Student Department)
CO1031	(West Indian Department)

Commonwealth Relations Office

DO35	(general correspondence, including files of the Constitutional Department)
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⁴¹ Thurston, *Records*, p.415.

DO175	(Migration Department)
Home Office	
HO213	(Alien Department)
Ministry of Labour	
ML8	(Employment Department)
ML26	(Welfare Department).

All disclosed minutes and papers of the Cabinet and ministerial committee meetings, and many of the minutes and papers of official committees and related documents are found in the files under these series.⁴²

These files were produced by civil servants actually in charge of the job so that documents were not necessarily filed on the same criteria. Logically, minutes and papers for inter-departmental meetings should be found in files of more than one ministerial departments. As mentioned above, today the minutes and papers of the Cabinet and ministerial committee meetings have been concentrated in Cabinet Office files and weeded from other files. In contrast, same copies of minutes and papers of an official committee are found in more than one file, while not all documents of an official committee may not be discovered. This is because civil servants at the time do not file some documents for certain reasons, or the relevant file is not disclosed in any departments, or had been destroyed.⁴³

⁴² For search of PRO files, there is a guide produced by the PRO, *Public Record Office Current Guides* (Kew, PRO, periodically revised). However this guide is based on the information of formal departmental responsibilities and helpful only as rough guidelines at the class level of the reference number. A single class number sometimes contain thousands of files so that this guide is useless to find out the file which contains particular documents in mind. Researchers have to look for or "dig out" relevant files, with reference to previous works in the relevant field as well as the index of the file titles arranged by the reference number, which is produced also by the PRO.

⁴³ Roper, 'Public records and the policy process in the twentieth century', p.260.

Many of the official committee papers concerned with this research are available in the files of the Colonial Office (CO series), the Commonwealth Relations Office (DO series) and the Ministry of Labour (ML series). Examination of the files of these departments has made clear the policy process within the government in the field of this thesis.

Part II

Process Analysis

Chapter 4 Recognition of the Issue

Before 1950, immigration from the Commonwealth as a policy matter was confined to the departmental level and it was not discussed much at ministerial levels. Already in these early days, there were discussions which went beyond the boundaries of departments. These inter-departmental discussions among civil servants were in many cases organised around the Colonial Office. These meetings were in general *ad hoc* and were not appointed to serve or report to the higher meetings of the government machinery such as ministerial committees or the Cabinet unlike later inter-departmental committees of civil servants.

The Colonial Office initially hoped to recruit West Indian workers to fill the gap in the UK labour market with the support of West Indian governments, many of whom were worried at high levels of unemployment in their islands. However, the growth of spontaneous arrivals from the West Indies came to cause anxiety among civil servants in the UK so that this immigration came to be gradually perceived as a problem which needed to be tackled by the government.

1. Emergence of the Viewpoint for Immigration from the West Indies

Colonial Office inter-departmental official committee

In July 1949, an inter-departmental official committee which, for the last nine months, had been investigating the possibility of recruiting workers from the Colonies completed its report for the Colonial Secretary and the Minister of Labour. The report recommended that no recruitment of workers from the Colonies should be carried out.

The initial hint of establishing this official committee dated back to March 1948. At that time, the British government was recruiting workers from Europe under the European Voluntary Workers schemes. The government situated these schemes as a part of its economic policy. The Treasury's *Economic Survey* had written in February 1947 that:

Foreign labour can make a useful contribution to our needs. The old arguments against foreign labour are no longer valid. There is no danger for years to come that foreign labour will rob British workers of their jobs.¹

Meanwhile, the Colonial Office was concerned about unemployment in the Colonies, particularly in the West Indies. Against this economic background, the Department made enquiries to the Ministry of Labour about the possibility of importing Colonial workers to the UK. In March 1948, the Colonial Office asked the Ministry of Labour to raise the issue at the Cabinet's Labour Committee, of which the Colonial Office itself was not a member.² However, the Ministry of Labour was reluctant to propose the issue directly to the Ministerial Committee: this was thought too important to be done, and moreover, from the beginning, the Ministry had considerable doubts about introducing Colonial labour to the UK. The Ministry, instead, proposed to set up an inter-departmental working party at the civil servant level, *i.e.* official committee, in order to give deeper consideration to the issue.³

¹ *Economic Survey*, Cmd. 7046 (London, HMSO, 1947), February 1947, p.28.

² Thomas Lloyd, Permanent Under-Secretary, CO, to Geoffrey H. Ince, Permanent Secretary, ML, 5 Mar 48, LAB13/42 (Kew, PRO; hereafter this information of PRO documents is omitted, as the file number shows that the document is in the PRO file).

³ Geoffrey H. Ince, Permanent Secretary, ML, to Thomas Lloyd, Permanent Under-Secretary, HO, 6 May 48, LAB13/42.

Preparations for the official committee were jointly made by two Departments; however, the Colonial Office was to take responsibility on the whole matter.⁴ The committee, "Working Party on the Employment in the United Kingdom of Surplus Colonial Labour" (code CLWP), was chaired by an Assistant Under-Secretary of the Colonial Office (J. M. Martin) and was represented by nine departments, namely: Colonial Office, Ministry of Labour, Ministry of Agriculture, Ministry of Fuel and Power, Ministry of National Insurance, Ministry of Health, Home Office, Treasury and Foreign Office.

Despite the expectations of the Colonial Office, however, it became clear from the first meeting that 'any mass immigration scheme was out of the question'.⁵ There were large differences in thinking between the Colonial Office and other Departments, above all the Ministry of Labour. Discussion of the CLWP proceeded at the pace of the Ministry of Labour. It cast doubts on Colonial immigration and argued that: 'Colonials were British subjects and [unlike the European Voluntary Workers, who were aliens] could not . . . be sent to their respective Colonies' even if they quitted their agreed employment; 'the social problems associated with an influx of colonial labour must also be examined'; and that trade unions attitudes should be examined as to whether they could be persuaded to accept colonial workers.⁶ In a later meeting the Ministry was to raise concern also about the availability of

⁴ Note of a meeting held in the Ministry of Labour on 9 Aug 48, LAB13/42; *cf.* Thomas Lloyd, Permanent Under-Secretary, CO, to Permanent (Under-) Secretaries of the Ministry of Fuel and Power, Ministry of Agriculture, Ministry of Health, Ministry of National Insurance, Treasury and Foreign Office, 9 Sep 48, LAB13/42. The terms of reference of the official committee were as follows: 'To enquire into the possibilities of employing in the United Kingdom surplus manpower of certain Colonial territories in order to assist the manpower situation in this country and to relieve unemployment in those Colonial territories' (CLWP(49)12, 13 Jul 49, LAB26/226, para.1).

⁵ CLWP(48) 1st meeting, 6 Oct 48, CO1006/1, LAB26/226, para.12.

⁶ CLWP(48) 1st meeting, 6 Oct 48, CO1006/1, LAB26/226, paras.4-7.

accommodation.⁷ As these views suggested, the position of the Ministry was clear. It was: 'there was at present no overall shortage of man-power in the United Kingdom' and, moreover, 'labour available in the Colonies would not be of the type required in the U.K.'.⁸

The Ministry of Labour thus claimed, on the one hand, that the CLWP should 'look on its problem not as one of relieving a man-power shortage in the United Kingdom but rather as one of formulating a scheme whereby the Colonies might be helped',⁹ and, on the other, that 'what the Colonial Office really needed was to find an explanation of this fact which would be acceptable in the Colonies'.¹⁰ Meanwhile, in particular points, the Ministry of Labour admitted that it would be more useful 'to consider where and in what occupation any workers who were brought over could usefully be employed',¹¹ and these were agriculture, mining, the textile industries, hospitals, and as domestic servants.¹²

Among other departments in the Committee, the Home Office, which was invited from the second meeting in order to examine 'the social problems associated with an influx of colonial labour', showed 'a considerable interest in the matter from the law and order aspect'. The Department argued that the Committee should include in its scope of discussions 'the social aspect as well as the law and order problem'.¹³

The CLWP had four meetings altogether. In its report submitted to the Colonial Secretary and the Minister of Labour in July 1949, the Committee

⁷ CLWP(48) 2nd meeting, 27 Oct 48, CO1006/1, HO213/868, LAB26/226, item3, para.2.

⁸ CLWP(48) 1st meeting, 6 Oct 48, CO1006/1, LAB26/226, paras.4-7.

⁹ CLWP(48) 1st meeting, 6 Oct 48, CO1006/1, LAB26/226, para.7.

¹⁰ CLWP(48) 1st meeting, 6 Oct 48, CO1006/1, LAB26/226, para.11.

¹¹ CLWP(48) 1st meeting, 6 Oct 48, CO1006/1, LAB26/226, para.5.

¹² CLWP(48) 1st meeting, 6 Oct 48, CO1006/1, LAB26/226, para.13.

¹³ CLWP(49) 3rd meeting, 3 Mar 49, HO213/868, LAB26/226, item 3, para.12.

concluded as follows:

Our investigations have shown that the shortage of manpower in the United Kingdom no longer presents a formidable problem and, while there are still deficiencies in individual industries, in general these do not, for various reasons, provide opportunities for absorbing Colonial workers on any substantial scale. The only important exception appeared to be found in certain sections of the textile industry, but consultations with both sides of the industry indicate that on account of recent importation of foreign workers any proposal for introducing additional 'outside' labour would be unacceptable at the present time. There may however be limited opportunities for the employment of Colonial workers in small numbers in certain occupations. For example, we have ascertained that suitable vacancies exist for female hospital domestics and a small scheme for bringing women from Barbados to this employment is under active consideration.¹⁴

The report therefore recommended that:

No organised large scale immigration of male Colonial workers should be contemplated; arrangements be made for the immigration of a limited number of female Colonial workers for employment as hospital domestics.¹⁵

Royal Commission Report

Almost at the same time with the CLWP report, another government enquiry showed a negative view on large-scale immigration to the UK. The Royal

¹⁴ CLWP(49)12, 13 Jul 49, LAB26/226, p.8, para.26.

¹⁵ CLWP(49)12, 13 Jul 49, LAB26/226, p.8, para.27.

Commission on Population, which consisted of independent non-governmental members, and serviced by the Home Office, had been appointed in March 1944 in order 'to examine the facts relating to the present population trends in Great Britain: to investigate the causes of these trends and to consider their probable consequences; to consider what measures, if any, should be taken in the national interest to influence the future trend of population; and to make recommendations'.¹⁶ In June 1949 the Commission completed its report, one month earlier than the CLWP. The report showed concern for the stagnating population of Britain, which might harm the national interest become a threat to national security with respect to the inflexibility of economy, a rising dependency ratio, and decreasing emigration to the Commonwealth.

These conclusions were not very different from those in a report on population produced by the Political and Economic Planning (PEP), a private think tank, the previous year (April 1948). The PEP report had recommended the government to introduce immigration from European countries in order to solve these problems.¹⁷ The remit of the Royal Commission was policy on population. However, probably in order to refute the PEP's recommendation, the Royal Commission in its report included a single section on "problems of immigration" and stated that:

Immigration on a large scale into a fully established society like ours could only be welcomed without reserve if the migrants were of good human stock and were not prevented by their religion or race from intermarrying with the host population and becoming merged with it. . . . There is little or no prospect that

¹⁶ Royal Commission on Population, *Report*, Cmd. 7695 (London, HMSO, 1949), June 1949, p.1.

¹⁷ Political and Economic Planning, *Population Policy in Great Britain* (London, Political and Economic Planning, 1948), pp.108-16.

we should be able to apply these conditions to large scale immigration in future .

. . .¹⁸

The Royal Commission thus concluded that 'continuous large scale immigration would probably be impracticable and would certainly be undesirable'.¹⁹

Two government reports in the late 1940s from different organisations shared a cautious view on large scale immigration. This was to become a motif of later government discussion about policy on Commonwealth immigration. However it is worthy of note that, among the government departments, the Treasury, which was in charge of economic policy management, gave a positive evaluation on the government sponsored "foreign labour" schemes. It had written as late as in March 1949 in the annual *Economic Survey* that 'Foreign labour provided in 1948 a valuable addition to the total manpower in civil employment'.²⁰ This difference in views between the Treasury and other Departments on East and Central European migrants was to revive twelve years later in the debates on Commonwealth immigration.

2. Emergence of Policy on Commonwealth Immigration

The Empire Windrush

In June 1948, during the preparation for the Colonial Office official committee CLWP discussed above, 492 Jamaicans on the *Empire Windrush* landed at Tilbury. They had left Jamaica despite previous warnings by the UK and Jamaican

¹⁸ Royal Commission on Population, *Report*, p.124.

¹⁹ Royal Commission on Population, *Report*, p.125.

²⁰ *Economic Survey*, Cmd. 7647 (London, HMSO, 1949), March 1949, p.33.

governments 'of the difficulties which they were likely to meet in finding work and accommodation in the United Kingdom'.²¹ In September 1948 another 108 Jamaicans landed at Liverpool on the *Orbita*. The arrival of these unaided immigrants caused another line of discussions among civil servants of the departments concerned. This immigration was viewed as a problem as it was spontaneous and uncontrolled, but perfectly legal. The question was quickly emerged as to whether unaided immigration should be made subject to control. An inter-departmental meeting for this purpose was to be held at the Home Office in February 1949.

The *Empire Windrush* set sail from Kingston, Jamaica, with more than 400 people on board seeking work in their 'Mother Country'.²² On 15 June 1948, a few days before the arrival of the *Empire Windrush* at Tilbury, concern about the incident was expressed in the Cabinet's Economic Policy Committee (EPC(48)23rd).²³ Warning by the UK and Jamaican governments before their departure had been ignored, and ministers at the Committee thought that 'the arrival of the Jamaicans in this country [UK] would create serious embarrassment'. Accordingly they decided that Colonial Secretary should 'do everything possible to

²¹ CLWP(49)12, 13 Jul 49, LAB26/226, p.3, para.10.

²² Paul Foot, *Immigration and Race in British Politics* (Harmondsworth, Penguin Books, 1965), p.123.

²³ cf. D. W. Dean, 'Coping with colonial Immigration, the Cold War and colonial policy: the Labour Government and black communities in Great Britain 1945-51', *Immigrants and Minorities*, 6, 3 (1987), 305-34, p.317. The Committee meeting was presented by the Prime Minister (C. R. Attlee), Lord President (H. Morrison), Foreign Secretary (E. Bevan), Chancellor of the Exchequer (S. Cripps), Minister of Defence (A.V. Alexander), Chancellor of the Duchy of Lancaster (H. Dalton), Lord Privy Seal (Lord Addison), Minister of Health (A. Bevan), Commonwealth Secretary (P. J. Noel-Baker) and President of the Board of Trade (J. H. Wilson) (EPC(48) 23rd meeting, 15 Jun 48, CAB134/216).

prevent the occurrence of any further incidents of this kind'.²⁴

Upon this decision, three days later, the Colonial Secretary reported to the Cabinet in a memorandum about the situation and the measures taken so far and to be taken thereafter. He claimed in the memorandum that 'every possible step' had 'been taken by the Colonial Office and by the Jamaica Government [*sic*] to discourage these influxes'.²⁵ However the most important point was that these Jamaicans were all British subjects so that 'The Government of Jamaica has no legal power to prevent their departure from Jamaica and the Government of the United Kingdom had no legal power to prevent their landing'.²⁶ This made evident the difficulties for the UK government to control immigration from the Commonwealth.

Meanwhile, in order to cope with these people arrived on the *Empire Windrush*, a series of *ad hoc* inter-departmental meetings of civil servants had been held since May mainly on the initiative of the Welfare Department of the Colonial Office. Accommodation and employment, above all, were the major concern. These discussions were held in particular with the Ministry of Labour and the Home Office.²⁷

²⁴ EPC(48) 23rd meeting, 15 Jun 48, CAB134/216, item 3.

²⁵ CP(48)154, 18 Jun 48, CAB129/28, p.1, para.2. The memorandum reads: 'There was ample publicity in the Jamaica press of the difficulties which men might meet if they came to England' and 'before this party of 417 [*sic*] left Jamaica they were warned by the Jamaica Government about the difficulties which would beset them on their arrival in this country, but they decided, as they are free to decide, to take the risk' (CP(48)154, 18 Jun 48, CAB129/28, p.1, para.2).

²⁶ CP(48)154, 18 Jun 48, CAB129/28, p.1, para.2.

²⁷ Minute of a meeting in the Welfare Department of the Colonial Office on 26 May 48, CO876/88. Other Ministries concerned were: the Ministry of Health, Ministry of Agriculture, Ministry of Transport, National Assistance Board, Treasury, Air Ministry, and War Office (Empire Windrush: arrival of West Indians: scheme for reception and dispersal, 1st draft by the CO, n.d. [18 Jun 48], CO876/88).

The Colonial Office hoped to use hostel accommodation in London for these people.²⁸ However, the Ministry of Labour, the department in charge of these hostels, rejected this idea.²⁹ Accommodation capacity was limited. Moreover the Ministry thought that this was concerned with 'a matter of very serious principle' because 'it would mean treating these men much more favourably than our own people in this country and furthermore it would undoubtedly encourage a further influx'.³⁰ The opinion of the Ministry of Labour was that the people arrived in the *Empire Windrush* should be treated under the auspices of the Poor Law so that responsibility should be taken by the Ministry of Health and the local councils. As a result of further negotiations, the Jamaicans were to be temporarily accommodated in the war-time Deep Shelter at Clapham South Tube Station.³¹

Speedy dispersion of these people in small groups were also sought. Among all, the Ministry of Labour strongly pushed this course. The Ministry was thinking that 'If they are all dispersed there would be no general problem to which public attention could be drawn'.³² Partly due to this policy, within three weeks from their arrival, work had been found for all these people in foundries, agriculture, railways and as welders, carpenters, bricklayers, painters and tailors.³³

²⁸ The Earl of Listowel, Minister of State for the Colonies, to Ness Edwards, Parliamentary Secretary, ML, 5 Jun 48, CO876/88.

²⁹ Ness Edwards, Parliamentary Secretary, ML, to the Earl of Listowel, Minister of State for the Colonies, 9 Jun 48, CO876/88; Ness Edwards, Parliamentary Secretary, ML, to the Earl of Listowel, Minister of State for the Colonies, 15 Jun 48, CO876/88.

³⁰ Ness Edwards, Parliamentary Secretary, ML, to the Earl of Listowel, Minister of State for the Colonies, 15 Jun 48, CO876/88; cf. Dean, 'Coping with colonial Immigration, the Cold War and colonial policy', p.318.

³¹ CLWP(49)12, 13 Jul 49, LAB26/226, p.3, para.10.

³² W. Hardman, Assistant Secretary, Employment Policy Department, ML, n.d.[Jun 48], LAB26/218; cf. Dean, 'Coping with colonial Immigration, the Cold War and colonial policy', pp.317-8.

³³ The government later assessed the situation as follows: 'As most of these men were either

Identification of the problem and emergence of government's policy

Though the scope of these inter-departmental meetings were specific to the accommodation and employment of those arrived, immigration from the Commonwealth had gradually become a concern within a small circle of civil servants. On the arrival of the *Empire Windrush*, the Colonial Office doubtless saw that a similar mass movement would not take place again as transportation was unlikely to be available.³⁴ However, it was only three months later, in September 1948, that further 108 Jamaicans landed at Liverpool on the *Orbita*.³⁵

Views of the civil servants of the departments concerned changed rapidly. The Colonial Office, in particular, its Welfare Department, felt a need for further actions to deter immigration. There was a sign that domestic race relations in Britain were beginning to deteriorate in urban areas. Anti-immigration riots had occurred from 31 July to 2 August in Liverpool, where the *Orbita* was to arrive one month later.³⁶ Therefore, on 3 September 1948, a senior civil servant of the Colonial Office (J. E. Keith, Assistant Secretary, Welfare Department) sent a letter to the Home Office and asked it to organise an inter-departmental meeting in order 'to consider the influx of colonial people into the UK'.³⁷ However, the Home

skilled or semi-skilled that finding of work for them was not too difficult' (CLWP(49)12, 13 Jul 49, LAB26/226, p.3, para.10).

³⁴ CP(48)154, 18 Jun 48, CAB129/28, p.1, para.2.

³⁵ The CLWP report in July 1949 read as follows: 'Altogether since December 1947 about 800 West Indians (mostly Jamaicans) have reached the United Kingdom in addition to the usual influx of stowaways, which during 1948 amounted to 212 from the West Indies'. However, 'as many of these had made their own arrangements there was not so much difficulty as with the "Empire Windrush"' (CLWP(49)12, 13 Jul 49, LAB26/226, p.3, para.10).

³⁶ Zig Layton-Henry, *Politics of Immigration: Immigration, 'Race' and 'Race' Relations in Post-war Britain* (Oxford, Blackwell, 1992), p.37.

³⁷ J. E. Keith, Assistant Secretary, CO, to Under-Secretary, HO, 3 Sep 48, HO213/869.

Office, allegedly holding potential concerns on 'coloured colonial peoples' from the law and order perspective, was itself reluctant to take initiatives in this issue.³⁸

For another five months, the proposed inter-departmental meeting was not convened. At last in February 1949, it was held at the Home Office chaired by the Deputy Under-Secretary of the Home Office (William S. Murrie).³⁹ The meeting was attended by civil servants from nine departments (Home Office, Treasury, Colonial Office, Commonwealth Relations Office, National Assistance Board, Ministry of Transport, Ministry of Labour and National Service, Ministry of Civil Aviation, and Ministry of Health). This meeting was to mark the important first step on the long government discussions on immigration from the Commonwealth. This meeting turned out to be a very important step in the development of government's policy on Commonwealth immigration. The nature of "problems" regarding Commonwealth immigration was identified for the first time. Their solutions were also for the first time to be sought, which resulted in the basic framework of government's policy thereafter.

As far as the nature of "problems" was concerned, the meeting reached 'agreement on what classes of persons were causing concern to the authorities'. Two points were confirmed: firstly, 'Of the persons under consideration a few came as paying passengers fully documented as to nationality' but 'a fairly large number . . . arrived as stowaways';⁴⁰ and 'the problem arose mainly on coloured British and British Protected persons from Africa and the West Indies'.⁴¹

Measures to solve the "problem" were discussed from three perspectives:

³⁸ Dean, 'Coping with colonial Immigration, the Cold War and colonial policy', p.319; W. S. Murrie, Deputy Under-Secretary, HO, to Cecil Syers, Deputy Under-Secretary, CRO, 12 Feb 49, HO213/869.

³⁹ Note of a meeting at the Home Office, 18 Feb 49, HO213/869, LAB26/226.

⁴⁰ Note of a meeting at the Home Office, 18 Feb 49, HO213/869, LAB26/226, p.1, para.1.

⁴¹ Note of a meeting at the Home Office, 18 Feb 49, HO213/869, LAB26/226, p.1, para.2.

means of checking the traffic both at its source and at landing in the United Kingdom; employment and accommodation of those remaining in the United Kingdom; measures for repatriating those who were quite unsuited to conditions in the United Kingdom.⁴² Firstly, in the field of controlling traffic, a possibility of amending immigration legislation was suggested. However, as the Chairman from the Home Office pointed out, there was a recognition that 'the right of free access to the United Kingdom had long been the traditional right of British subjects from any part of the Commonwealth'. It was claimed that 'there was nothing sufficiently compelling in the problems under review . . . to justify a change in the United Kingdom law which might have an incalculable effect on Commonwealth Relations'.⁴³ The Colonial Office held the similar view, which was that 'any entrenchment on the principle that all British subjects should be allowed to enter the United Kingdom would be a most serious step'.⁴⁴ The idea of amending immigration legislation was thus hardly accepted by civil servants. Instead, the idea of reinforcing administrative measures to discourage immigration and to deter illegal entry was adopted. Their main points were: to request Colonial governments to take measures to discourage departure of migrants to the UK by public announcements and by restricting the issue of passports; and to request carrier operators to crack down on undocumented passengers.

Secondly, in the field of employment and accommodation, civil servants shared the view that 'London and Liverpool were the worst areas of unemployment' and that 'accommodation was the main difficulty about moving the men'.⁴⁵ It was even considered that 'if some means could be found to overcome the

⁴² Note of a meeting at the Home Office, 18 Feb 49, HO213/869, LAB26/226, p.2, para.3.

⁴³ Note of a meeting at the Home Office, 18 Feb 49, HO213/869, LAB26/226, p.2, para.4.

⁴⁴ Note of a meeting at the Home Office, 18 Feb 49, HO213/869, LAB26/226, p.2, para.4.

⁴⁵ Note of a meeting at the Home Office, 18 Feb 49, HO213/869, LAB26/226, p.4, para.10.

accommodation difficulty and break down the larger aggregations, particularly at London and Liverpool, the difficulty presented to all the Government Departments concerned and to the Police would be greatly reduced'.⁴⁶ The Colonial Office, for this purpose, proposed to set up a small inter-departmental committee of civil servants. The committee was agreed 'to consider urgently the question of employment and accommodation for coloured people' and to be composed of representatives from the Colonial Office, Ministry of Labour, Ministry of Health, and National Assistance Board.⁴⁷

After this Home Office meeting, administrative measures to crack down on immigration, especially those coming as stowaways, were implemented by each department. The Home Office empowered immigration officers to refuse leave to land to those without satisfactory evidence that they were British subjects or British Protected persons.⁴⁸ The Colonial Office for its part asked the Colonial Governors by a despatch to the Colonial Governors dated 26 January 1950 to prevent stowaways from embarking by tightening up port controls as well as to take measures to hinder the issue of passports and travel documents to those who were

⁴⁶ Note of a meeting at the Home Office, 18 Feb 49, HO213/869, LAB26/226, p.4, para.10.

⁴⁷ Note of a meeting at the Home Office, 18 Feb 49, HO213/869, LAB26/226, p.4, para.11.

⁴⁸ CPUK(49) 3rd meeting, 20 Aug 49, CO859/207/7, LAB26/259, para.4; CP(50)113, 18 May 50, CAB129/40, p.3, para.12. The measure was introduced by revising the Instructions to Immigration Officers (issued on 19 September 1949) so as to revert to the earlier practice as it had been until 1942. Up to 1942 the practice of Immigration Officers was to refuse leave to land to seamen who claimed to be British subjects or British Protected persons unless they could produce documentary evidence supporting their claims. Stowaways were also refused leave to land unless they had satisfactory documents. In 1942, in response to demands from the Colonial Office, the practice was revised so that persons arriving in the UK whether as passengers or stowaways who claimed to be British subjects or British Protected persons were given leave to land even if they had no documents, if they could satisfy the Immigration Officer that they were in fact British subjects or British Protected persons (Note of a meeting at the Home Office on 18 Feb 49, HO213/869, LAB26/226, p.3, para.9).

known not to follow regular employment and whose financial position was not sound.⁴⁹

Meanwhile, in May 1949, the proposed official committee, "Inter-departmental Committee on Colonial People in the United Kingdom" (code CPUK), was launched in order to consider questions about accommodation, employment, repatriation and welfare of Colonial people in the United Kingdom. Chaired by an Assistant Under-Secretary of the Colonial Office (J. B. Williams, in charge of the Welfare Department), the Committee was attended by civil servants from the Colonial Office, Ministry of Labour, Ministry of Health, National Assistance Board, Ministry of Transport and Treasury.⁵⁰

The position of this official committee, however, within the entire framework of policy on Commonwealth immigration was more or less sensitive. Measures for controlling immigration was rigidly exempted from the scope of the CPUK, except for the information on this subject being arranged to be reported. In its first meeting on 26 May 1949, the Committee confirmed that 'it should confine its enquiries to questions concerning accommodation, employment, repatriation and

⁴⁹ CPUK(50)3, 28 Jan 50, CO859/207/7, LAB26/259; *cf.* CPUK(50) 1st meeting, 22 Feb 50, CO859/207/7, LAB26/259, pp.1-2, para.3; CPUK(50) 2nd meeting, CO859/207/7, LAB26/259, para.5; CWP(53)8, 16 Apr 53, CO1028/22, p.2, para.9. Restriction on the issue of passport was accepted by the Governments of Sierra Leone, Gambia, the Gold Coast, and Trinidad, while the Governments of Jamaica and Trinidad showed negative views on the proposal (CWP(53)8, 16 Apr 53, CO1028/22, p.2, paras.11 and 13). Meanwhile the Nigerian Government for its part proposed to introduce a measure, with the endorsement of the UK government, that a Nigerian applying for a passport in order to go to the UK for employment should be required to deposit a sum sufficient to cover the cost of repatriation (February 1950) (CWP(53)8, 16 Apr 53, CO1028/22, p.2, para.8). Later, on 11 October 1951, the Colonial Office asked the Gold Coast, Sierra Leone and Gambian Governments to consider the similar measures. However, only the Gambian Government followed Nigeria (CWP(53)8, 16 Apr 53, CO1028/22, p.2, para.8).

⁵⁰ This inter-departmental committee continued to exist at least until October 1953.

welfare of colonial people in the United Kingdom'.⁵¹ Even in the field of accommodation, employment and welfare, the CPUK acted only as a monitor of the situation, or a place to exchange information between departments, rather than making inter-departmental decisions or arranging co-ordination. Only the situation concerned with immigration and the measures each department had taken or would take were reported to the Committee.

It was important to note that, despite all these restrictions in terms of the scope of discussions, the Home Office was still reluctant to be a regular member of the Committee and actually did not attend its first two meetings. This was partly because the Home Office regarded the social aspects of Colonial immigrants were outside its departmental remits and also because it did not want other departments to have much interest in immigration controls which only the Home Office was overseeing.⁵²

* * *

British government's policy on Commonwealth immigration emerged and was established in the period between 1948 and 1949 in the discussion led by the Colonial Office. Increasing immigration from the West Indies at this time was recognised by civil servants as a problem because they feared potential social tensions which would have to be tackled by the government. In these circumstances, civil servants agreed at the Home Office meeting held in February 1949 that the problem should be approached from two directions, *i.e.* control of immigration to

⁵¹ CPUK(49) 1st meeting, 26 May 49, CO859/207/7, LAB26/259, p.1, para.1.

⁵² J. E. Keith, Assistant Secretary, CO, to W. S. Murrie, Deputy Under-Secretary, HO, 5 May 49, HO213/869; W. S. Murrie, Deputy Under-Secretary, HO, to J. E. Keith, Assistant Secretary, CO, 11 May 49, HO213/869.

the UK, and accommodation, employment and welfare of those already settled in the UK. These two directions, as well as repatriation from the UK which would be added later, was to be a proto-type for British government policy on Commonwealth immigration.

Meanwhile, administrative control of immigration resulted in reduction the number of stowaways to a certain extent. However, doubts gradually increased about the effectiveness of such administrative measures. A change in position of the Colonial Office was swift. It was true that the Department was opposed to amending legislation on entry at the Home Office meeting of February 1949, but its position changed by the summer. In a CPUK meeting of August 1949 a Colonial Office official (I. G. Cummings, Temporary Administrative Principal) indicated a change in the departmental position. He argued that 'the stowaway problem could [not] be effectively dealt with administratively' and suggested that 'the solution would lie in fresh legislation in this country to enable stowaways to be refused leave to land'.⁵³

Thus as early as the summer of 1949, support to control immigration by legislation was appearing within the circle of civil servants. Government discussion about immigration controls was thereafter to develop around possible legislation on entry to the UK. What is so extraordinary about these developments is that the problem the government should deal with, as well as the directions of the government policy on Commonwealth immigration, were identified among civil servants long before public debates on Commonwealth immigration started, and also long before senior politicians of the Conservative and Labour Parties started to regard it as a major policy issue.

⁵³ CPUK(49) 3rd meeting, 6 Jul 49, CO859/207/7, LAB26/259, para.4.

Chapter 5 Formation of the Policy Community

At the general election held on 6 March 1950 the Labour Party had a serious setback and lost many seats which were reduced from 393 to 315. It gained a narrow majority of only five. Clement Attlee continued to lead the government; however, another general election was considered to be imminent.¹ Nevertheless, Labour's short, seventeen months in office after this election was to provide new developments in the British government's position towards immigration from the Commonwealth. In this short period, attention on the issue rose to ministerial level and, more importantly, the Home Office was placed by a Cabinet decision in the centre of the government discussion on Commonwealth immigration. The position of the Home Office was reinforced during 1950 to 1952, despite the change in government.

1. Shift in Responsibility to the Home Office

The first ministerial discussion

After the general election of March 1950, new developments were emerging in the UK government's position towards Commonwealth immigration. On 20 March, only two weeks after the establishment of the new administration, the Cabinet discussed, for the first time since the War, the issue of 'Coloured People from British Colonial Territories'.²

There was a hint that this issue would be raised in the Cabinet. The Cabinet

¹ David Childs, *Britain since 1945: A Political History* (London, Routledge, 3rd ed., 1992), p.65.

² CM(50) 13th conclusions, minute 7, CAB128/17.

had discussed eight months previously, on 27 July 1949 (CM(49)49th), the possibility of amending legislation to enable deportation of British subjects from the UK. This was raised in association with the London Dock Strikes where Canadian communists were suspected of agitating the disputes. The Cabinet then considered whether they should change the laws regarding deportation. However, the Home Secretary (J. Chuter Ede) was opposed to 'depart[ing] from . . . traditional policy of giving all British subjects the right to enter the United Kingdom and to enjoy the same rights and privileges as are given to United Kingdom nationals' (Home Secretary). The Commonwealth Relations Office shared the view with the Home Secretary. The Cabinet therefore deferred a decision.³

At this time, questions had been raised, though out of context, about immigration from the Colonies. The questions focussed on concerns that: 'Might not our higher standards of living begin to attract immigrants from other parts of the Commonwealth, especially the Colonies ? There had already been signs of such a movement from the West Indies. Might it not become necessary for us to regulate such movements ?'⁴

The Cabinet discussion in March 1950 was triggered by press reports. Reports had been made about, according to the Cabinet minutes, 'racial discrimination against coloured people in the United Kingdom' and 'the difficulties of finding suitable employment for the coloured people who had come to this country in recent years from the West Indies'.⁵ This issue was raised in the Cabinet meeting on 20 March (CM(50)13th). Concerns were expressed that 'serious difficulties would arise if this immigration of coloured people from British Colonial

³ CP(49)164, 25 Jul 49, CAB129/36/pt.1.

⁴ CM(49) 49th conclusions, minute 5, 27 Jul 49, CAB128/16.

⁵ CM(50) 13th conclusions, minute 7, 20 Mar 50, CAB128/17.

possessions were to continue or increase'.⁶ In conclusion, the Colonial Secretary (James Griffiths) was instructed, in order to consider the problem further, to submit a memorandum with 'problems arising from the immigration into this country of coloured people . . . from the West Indies and other British Colonial Territories'.⁷

Accordingly the detailed discussions began at the civil servant level. Two days later, on 22 March, civil servants of the departments concerned held a meeting in the Cabinet Office to determine the general lines on which the Colonial Secretary's memorandum should be prepared. The meeting was chaired by the Cabinet Secretary (Norman Brook) and the Deputy Under-Secretary rank of the Home Office, Ministry of Labour, Ministry of Health, Colonial Office, and Commonwealth Relations Office were present.

The civil servants confirmed that the Colonial Secretary's memorandum should deal, not with 'the general question of Government action directed towards overcoming colour prejudice', but it should deal with 'the subject of immigration of coloured people from British Colonial territories into the United Kingdom in search of employment'.⁸ It was emphasised, however, that 'the problem was not one which called for desperate remedies'. Civil servants thus agreed that the memorandum should indicate 'the size of the problem, which was not great, the steps which were being taken to keep it within bounds . . . and suggest any further measures which might be taken'.⁹

The Cabinet considered in June the memorandum dated 18 May

⁶ CM(50) 13th conclusions, minute 7, 20 Mar 50, CAB128/17.

⁷ CM(50) 13th conclusions, minute 7, 20 Mar 50, CAB128/17.

⁸ Note of a meeting at the Cabinet Office on 22 Mar 50, CAB21/1734, pp.1-2. On colour prejudice, it was claimed that 'Much thought have been given . . . in the past and there was no reason to believe that either legislative or administrative action could profitably be undertaken for this purpose' (Note of a meeting at the Cabinet Office on 22 Mar 50, CAB21/1734, pp.1-2).

⁹ Note of a meeting at the Cabinet Office on 22 Mar 50, CAB21/1734, p.2.

(CP(50)113) prepared by the Colonial Office on the agreed line. The Colonial Secretary (James Griffiths) expressed in the Cabinet meeting on 19 June (CM(50)37th) a fear that 'social problems were more likely to arise if coloured immigrants into this country formed themselves into residential colonies'.¹⁰ The position of the Colonial Office was that it 'sought to disperse these people over as wide an area as possible'.¹¹

The Cabinet discussion turned on the means of preventing further increase in the 'coloured population' of the UK.¹² A number of people were confirmed to be found their way into the UK as stowaways. There was a doubt 'whether the existing methods of administration . . . were sufficient to keep within reasonable bounds the numbers who contrived to enter this country as stowaways'.¹³ In conjunction, the possibility of legislation was again raised, which should both deal with stowaways and restrict the right of any British subject to enter the UK.

In the end, it was decided that the Prime Minister (Clement Attlee) would arrange for 'a review to be made of the further means which might be adopted to check the immigration into this country of coloured people from British Colonial territories, if legislation were passed limiting the right of British subjects, or of any class of British subjects, to enter and reside in the United Kingdom, and/or the issues of policy involved in making such a change in the existing law'.¹⁴

Ministerial Committee GEN325

After this Cabinet meeting, the Cabinet Secretary (Norman Brook) recommended the Prime Minister to set up an *ad hoc* ministerial committee chaired by the Home

¹⁰ CM(50) 37th conclusions, minute 2, 19 Jun 50, CAB128/17.

¹¹ CM(50) 37th conclusions, minute 2, 19 Jun 50, CAB128/17.

¹² CM(50) 37th conclusions, minute 2, 19 Jun 50, CAB128/17.

¹³ CM(50) 37th conclusions, minute 2, 19 Jun 50, CAB128/17.

¹⁴ CM(50) 37th conclusions, minute 2, 19 Jun 50, CAB128/17.

Secretary to consider the issue.¹⁵ Accepting his advice, the Prime Minister called for an *ad hoc* Ministerial Committee on "Immigration of British subjects into the United Kingdom" (code GEN325). The Committee was to be composed of Home Secretary (J. Chuter Ede) as chairman, Minister of Labour (G. A. Issacs), Minister of Health (Aneurin Bevan), Colonial Secretary (James Griffiths), Scottish Secretary (Hector McNeil), Commonwealth Secretary (P. C. Gordon Walker) and Attorney-General (Hartley Shawcross).¹⁶

As seen in the last chapter, the Home Office was reluctant to take initiatives in the government discussions about Commonwealth immigration. However the arrangements for this Ministerial Committee with the Home Secretary in the chair forced the Home Office to play the leading role on the issue concerned with immigration from the Commonwealth. In preparation for the Ministerial Committee meetings, the Home Office proposed an inter-departmental meeting of civil servants from the Colonial Office, Ministry of Labour, Commonwealth Relations Office and Cabinet Office. This was to be the first inter-departmental meeting initiated by the Home Office as regards Commonwealth immigration, except for the inter-departmental meeting of 18 February 1949, which was held in the Home Office but was initiated by the Colonial Office. Equally important was that these inter-departmental meetings of civil servants was also to be the first one in which the four major departments - Home Office, Colonial Office, Commonwealth Relations Office, and Ministry of Labour - in this policy area for the next decade and a half were identified institutionally.

¹⁵ N. Brook, Cabinet Secretary, to C. R. Attlee, Prime Minister, 19 Jun 50, CAB21/1734.

¹⁶ However, Gordon Walker and H. Shawcross were absent from both two meetings of this Ministerial Committee. Lord Ogmores, Parliamentary Under-Secretary for Commonwealth Relations, and Frank Soskice, Solicitor-General, represented them. In addition several senior civil servants of the Departments concerned (Home Office, Colonial Office, and Commonwealth Relations Office) were also present at the meetings.

At this time the Home Office felt a need to discuss deportation, as well as legislation on entry. This is partly because deportation had been raised in the aforementioned Cabinet discussion of the previous year (CM(49)49th, 27 July 1949).¹⁷ However, there was another reason. The Home Office felt it was difficult to legislate on entry in the light of possible reactions from the public and Parliament which might be against dismantling the traditional rights of British subjects. The Department therefore preferred administrative measures. However, if legislation were unavoidable, the Home Office was thinking, it should legislate only on deportation.¹⁸

Meanwhile, the Colonial Office had changed its position in favour of legislation. The Department, much concerned about social tensions, shared the view with the Home Office on the point that more immigration should be restricted.¹⁹ However, unlike the Home Office, the Colonial Office held a firm conviction that legislation would be a clear cut measure for restriction and thus a less bad option than 'devious' administrative measures.²⁰ This is confirmed in a minute by a senior Colonial Office official (J. B. Williams, Assistant Under-Secretary) which read: 'it would be far better to have an openly avowed policy of restricted immigration than

¹⁷ W. S. Murrie, Deputy Under-Secretary, HO, to Charles Jeffries, Deputy Under-Secretary, CO, 26 Jun 50, CO537/5219.

¹⁸ J. B. Williams, Assistant Under-Secretary, CO, to Charles Jeffries, Deputy Under-Secretary, CO, 28 Jun 50, CO537/5219.

¹⁹ Minute by J. B. Williams, Assistant Under-Secretary, CO, 27 Jun 50, CO537/5219. A senior civil servant of the Department (J. B. Williams, Assistant Under-Secretary) minuted in the departmental file that 'the flow of immigrants from the Colonies to this country is now very much in excess of what it was before the recent war' and 'This flow is leaving agglomerations of unassimilated coloured Colonial people in such centres as Liverpool and East London and this we all feel is potentially a very dangerous situation since it is undoubtedly leading to an increase in colour feelings' (J. B. Williams, Assistant Under-Secretary, CO, to Charles Jeffries, Deputy Under-Secretary, CO, 28 Jun 50, CO537/5219).

²⁰ Minute by J. B. Williams, Assistant Under-Secretary, CO, 27 Jun 50, CO537/5219.

fall back on rather devious little devices whereby would-be immigrants are turned back because they cannot provide documentary proof that they are British subjects when in fact all concerned, including the Immigration Officer, know perfectly well that they almost certainly are British subjects'.²¹ Therefore he further suggested as follows: 'I well hope that we in the Colonial Office will do what we can to prevent other departments from resorting to these shifts which seem to me quite unworthy of this country'.²² In this respect the view of the Colonial Office was 'very strongly in favour of legislation'.²³

In the inter-departmental negotiations of civil servants, three areas of probable legislation were identified namely: entry, deportation and stowaways. However, despite the Colonial Office's wish for legislation, the other departments found it difficult to support legislation. This was, at first, because the public and Parliament might resent restrictions on British subjects of the same kind as on aliens. Secondly, even if legislation was adopted, legislative restriction on Colonial British subjects would not be justified without the same control being introduced on the citizens of independent Commonwealth countries and Irish citizens. However, the Commonwealth Relations Office for its part was strongly opposed to any restriction to Commonwealth citizens. Moreover it was felt that control of Irish citizens would need substantial amount of additional administration. Therefore the general view of civil servants was, unlike that of the Colonial Office, that introduction of immigration controls would be unrealistic and that legislation would need to be confined to deportation or preventing stowaways.²⁴

With these views having been formed at the civil servant level, the

²¹ Minute by J. B. Williams, Assistant Under-Secretary, CO, 27 Jun 50, CO537/5219.

²² Minute by J. B. Williams, Assistant Under-Secretary, CO, 27 Jun 50, CO537/5219.

²³ J. B. Williams, Assistant Under-Secretary, CO, to Charles Jeffries, Deputy Under-Secretary, CO, 28 Jun 50, CO537/5219.

²⁴ GEN325/2, 17 Jul 50, CAB130/61, paras.6 and 9.

Ministerial Committee GEN 325 was to hold two meetings (24 July 1950 and 10 January 1951). In the July meeting (GEN325 1st), an estimation was given as regards the number of immigrants. It was that: 'about 30,000 persons of West African and West Indian extraction, and Moslems (mainly from Aden and Somaliland) were at present resident in various parts of the United Kingdom and that since 1945 the number of these persons had increased by at least 5,000 (mostly West Africans and West Indians)'.²⁵ Also it was emphasised that 'The most troublesome elements were stowaways and "one-trip seamen" who had signed on in various ports for discharge in the United Kingdom'.²⁶

Ministers were more cautious about the need for legislation than civil servants and much concerned about public and Parliamentary reactions. Three areas had been concretely suggested by civil servants as possible areas of legislation: entry, deportation and stowaways.²⁷ Nevertheless, Committee members easily found reasons to rule out the possibility of legislation. These were: that 'a proposal to restrict the freedom of the British subjects to enter and remain in the United Kingdom' would run counter to 'a special status as the mother country' of the United Kingdom; that 'it would be contrary to the scheme embodied in the [1948 British Nationality] Act to treat persons belonging to the Colonies differently from persons belonging to the United Kingdom'; and that this might also involve 'a concealed coloured test' as 'the powers taken would almost certainly be applied most often to coloured persons'.²⁸

Therefore the general view of ministers was that 'any legislation on this subject would be controversial'.²⁹ They thus concluded that, if there were to be

²⁵ GEN325 1st meeting, 24 Jul 50, CAB130/61, p.1.

²⁶ GEN325 1st meeting, 24 Jul 50, CAB130/61, p.1.

²⁷ GEN325 1st meeting, 24 Jul 50, CAB130/61, p.1.

²⁸ GEN325 1st meeting, 24 Jul 50, CAB130/61, p.2.

²⁹ GEN325 1st meeting, 24 Jul 50, CAB130/61, p.2.

legislation. it should be confined to dealing with stowaways, but, considering possible controversies in Parliament, 'it seemed desirable to consider whether the stowaway problem could not be solved by more vigorous administrative action'.³⁰

Reconfirmation of policy

Accordingly, civil servants reopened their deliberations about the main contents of legislative and administrative measures for reducing the influx of stowaways and "one-trip" seamen.

There was evidence that a number of people had arrived in the UK on forged documents. In particular the British Travel Certificate issued by the British authorities in West African territories, which was intended only for travel use within these territories, had been used as an identity document on landing the UK.³¹ The Colonial Office had sent a series of circulars to Colonial Governors warning them about the misuse of the document and proposed in April 1950 the introduction of a standard document of nationality and identity for colonial seamen, in place of the existing certificates issued separately by individual colonies.³² The West African Council was also asked in July 1950 to introduce a new form of British Travel Certificates, which would make no reference to national status.³³ The new standard certificates for seamen was brought into use on 1 March 1952 and the new British Travel Certificates of West African territories came into effect in all areas by 1

³⁰ GEN325 1st meeting, 24 Jul 50, CAB130/61, p.2.

³¹ CPUK(50) 2nd meeting, 19 Jul 50, CO859/207/7, LAB26/259, para.5; CP(50)113, 18 May 50, CAB129/40, p.3, para.12.

³² Colonial Secretary, to Colonial Governors, 3 Apr 50, in CPUK(50)12, 14 Apr 50, CO859/207/7, LAB26/259.

³³ Colonial Secretary, to Chief Secretary, West African Council, 11 Jul 50, in CPUK(50)19, 25 Jul 50, CO859/207/7, LAB26/259.

January 1952.³⁴

As seen in the last Chapter, the general lines of administrative measures to restrict stowaways, as well as to deter other types of immigration, had been agreed at the Home Office meeting of February 1949. All the above measures were introduced in accordance with the agreed lines. The civil servants thus felt that all the possible measures other than legislation had already been taken, while legislation may be politically difficult. In this dilemma, civil servants were to report to the ministerial committee GEN325 in January 1951 only about the details of administrative measures to control stowaways currently in operation.³⁵

Meanwhile ministers were more concerned about public and Parliamentary feelings than civil servants. Mainly for this reason, the Ministerial Committee in the second meeting on 10 January 1951 (GEN325 2nd) resulted in reconfirming the view shown at its first meeting on July. This was that 'the problems arising from the immigration into the United Kingdom of coloured persons of colonial origin were not at present of sufficient extent to justify recommending to the Cabinet legislation to control such immigration'.³⁶ Ministers acknowledged that the best approach was to make the existing administrative measures 'as effective as possible'.³⁷ This

³⁴ CPUK(52) 1st meeting, 11 Mar 52, CO876/233, para.5. In addition to stowaways the arrival of fare-paying migrants was showing an increase. In response to an increase in the number of migrant workers by air from Jamaica, the Colonial Office asked in October 1950 the Governor of Jamaica to strengthen the publication of 'the difficulties experienced by migrants in the United Kingdom' in the field of employment and accommodation (Colonial Secretary to Governor of Jamaica, 20 Oct 50, in CPUK(50)30, 31 Oct 50, CO859/207/7, LAB26/259). The similar action was taken with the Governments of other Caribbean and West African territories (CWP(53)8, 16 Apr 53, CO1028/22, p.1, para.4).

³⁵ GEN325/3, 2 Jan 51, CAB130/61.

³⁶ GEN325 2nd meeting, 10 Jan 51, CAB130/61, p.2.

³⁷ GEN325 2nd meeting, 10 Jan 51, CAB130/61, p.3. In discussion a future possibility of large scale migration from South Asia was pointed out. It was felt that, in the long term 'The social services of this country . . . inevitably acted as a considerable attraction' and 'there would be attempts at mass

conclusion was further approved in the Cabinet meeting on 22 February (CM(51)15th).³⁸

At the civil servant level, there was a shared feeling that administrative measures to restrict entry had already reached their limit. However, the introduction of legislation carried with it the risk of politicising the issue. It might harm relations with independent Commonwealth countries and also it might raise domestic opposition to restricting the traditional rights of British subjects. These dilemmas caused ministers to decide that the existing administrative measures should be maintained for the time being.

2. Institutionalisation of the Position of the Home Office

Increase in fare-paying immigrants

In October 1951 another general election was held. The Conservative Party returned to power with a modest but sufficient majority of seventeen seats. This was the beginning of its thirteen-year period of consecutive rule until 1964. Winston Churchill returned to office and was appointed Prime Minister on 26 October. In the new Cabinet, ministers with the main institutional interest in Colonial immigration were David Maxwell-Fyfe (Home Secretary), Oliver Lyttelton (Colonial Secretary), Lord Ismay (Commonwealth Secretary) and Walter Monckton (Minister of Labour). Norman Brook stayed Cabinet Secretary.

In the new administration, Colonial immigration was not a matter of

migration from, for example, India' (GEN325 2nd meeting, 10 Jan 51, CAB130/61, p.1). So it was argued to be necessary to reconsider the question 'if there were signs that such immigration was starting on a considerable scale' (GEN325 2nd meeting, 10 Jan 51, CAB130/61, p.1).

³⁸ CM(51) 15th conclusions, minute 4, 22 Feb 51, CAB128/19.

ministerial discussion for almost one year until November 1952. During this period, the Colonial Office inter-departmental committee CPUK kept monitoring the situation of immigration from the Colonies. At its meeting on 11 March 1952, civil servants confirmed that, according to a senior civil servant of the Colonial Office (J. B. Williams, Assistant Under-Secretary), 'the views of the present Government were the same' as those of the previous Labour government, whose ministers had taken the view that 'legislation to restrict immigration to the United Kingdom would not be practicable'.³⁹

However, the situation of immigration was beginning to change. By the time when the Conservative government started in October 1951, civil servants had recognised a change in the type of the people arriving in the UK. Fare-paying migrants were replacing stowaways as a concern of civil servants.⁴⁰ Civil servants reconfirmed in the same CPUK meeting on 11 March that 'all that could be done by administrative measures to exclude stowaways' had been done; however, they also confirmed the view that 'the number of stowaways was now insignificant as compared with the fare-paying passengers, who constituted the real problem'.⁴¹ The

³⁹ CPUK(52) 1st meeting, 11 Mar 52, CO876/233, para.1.

⁴⁰ The decrease of stowaways was reported in a CPUK meeting on 20 September 1951 (CPUK(51) 2nd meeting, 20 Sep 51, CO876/233, p.1, para.2). Later in 1953, a Home Office paper stated that: 'the additional port controls have proved effective, particularly in West African territories' (CWP(53)8, 16 Apr 53, CO1028/22, p.2, para.10). Meanwhile as far as fare-paying migrants were concerned, it was reported in September 1951 that 'approximately 80 coloured people from the West Indies' had arrived at Plymouth a few days before and that 152 migrants workers from Jamaica were due to arrive at Liverpool on or about 28 September (CPUK(51) 2nd meeting, 20 Sep 51, CO876/233, p.2, para.3). Due to a shortage of accommodation in Liverpool and London, the National Assistance Board suggested that these people would be discouraged to go into these cities and diverted to other parts of the country.

⁴¹ CPUK(52) 1st meeting, 11 Mar 52, CO876/233, para.1. According to the Ministry of Transport, 'During the whole of 1951 the number of stowaways allowed to land at United Kingdom ports was less than 200, and in the same period it was estimated that there were more than 2,000

Home Office even suspected that some of the 'Colonials' might be involved in the drug trafficking.⁴²

Meanwhile, in Parliament a question was raised in the Commons, though not specifically, about Commonwealth immigrants. In May 1952 Thomas Reid, the Labour Party MP for Swindon, submitted a Question to the Prime Minister which was supposed to be answered on 19 June. His questions were: 'how many aliens have settled down permanently in the United Kingdom since 1919; how many immigrants from British Dependencies have taken up permanent residence here since 1919; and what expenditure has been incurred by the Government on the maintenance of indigent immigrants or on their repatriation' ?⁴³ In fact, this was a question which followed another of one month previously about alien residents and the financial support by the British government.⁴⁴ Nevertheless this question showed that there were some interests within Parliament in the matters concerned with Commonwealth immigration, which would be an issue for the government to tackle seriously.⁴⁵

migrants who paid their own passages' (CPUT(52) 2nd meeting, 29 Apr 52, CO876/233).

⁴² CPUT(52) 1st meeting, 11 Mar 52, CO876/233, para.1.

⁴³ House of Commons, Parliamentary Debates, 'Aliens (U.K. residence)', House of Commons Official Report, Session 1951-52, Vol.502 (London, HMSO, 1952), 19 June 1952, col.127w.

⁴⁴ In 29 May 1952, William S. Shepherd, the Conservative Party MP for Cheadle, had asked in the Commons the Home Secretary about the number of aliens who had become resident in the UK since 1938 and whether the Home Secretary could 'give an assurance that, in granting further permits to people who reside in this country, he is mindful of the size of our own population and the difficulty we shall have in supporting it in the years to come' (House of Commons, Parliamentary Debates, 'Aliens', House of Commons Official Report, Session 1951-52, Vol.501 (London, HMSO, 1952), 29 May 1952, col.1638).

⁴⁵ The Home Office asked other departments to give information on this subject, however there turned out to be little statistics of this kind (R. L. Jones, Principal, HO, to J. L. Keith, Assistant Secretary, CO, 24 May 52, CO876/233; J. L. Keith, Assistant Secretary, CO, to R. L. Jones, Principal, HO, 29 May 52, CO876/233). The Prime Minister's answer sent to T. Reid on 14 July was

Set up of a Home Office official committee

Ministerial discussion on Commonwealth immigration was rekindled by the personal interest of the Prime Minister. The Prime Minister (Winston Churchill) had an extraordinary concern with the existence of people from Colonies.⁴⁶ His interest was intensified by a newspaper article in late October 1952 about the situation in Brixton.⁴⁷ The Prime Minister was quite inquisitive about the situation depicted on the article so that he ordered his Private Secretary (A. Montague Brown) to pose successive questions such as 'the figures of coloured people' in the UK and the number of 'coloured students' and their subjects of study.⁴⁸

On 25 November, the Prime Minister raised a question in the Cabinet meeting (CC(52)100th) about the 'employment of Coloured workers' at the Post Office.⁴⁹ He was suspicious that 'coloured workers' deprived domestic workers of employment. He asked 'whether the Post Office were employing large numbers of coloured workers' and claimed that, 'If so, there was some risk that difficult social problems would be created'.⁵⁰

The Postmaster General (Earl De La Warr) responded to the Prime Minister's question in the Cabinet meeting on 18 December (CC(52)106th) and

given accordingly (Winston Churchill, Prime Minister, to Thomas Reid, MP, 14 Jul 52, CO1028/24).

⁴⁶ D. W. Dean, 'Conservative governments and the restriction of Commonwealth immigration in the 1950s: the problem of constraint', *Historical Journal*, 35, 1 (1992), 171-94, p.183.

⁴⁷ Minute by Winston Churchill, Prime Minister, addressed to A. Montague Brown, a joint Private Secretary to Prime Minister and First Lord of the Treasury, 12 Nov 52, PREM11/824.

⁴⁸ A. Montague Browne, a joint Private Secretary to Prime Minister and First Lord of the Treasury, to B. G. Smallman, Assistant Private Secretary, CO, 13 Nov 1952, PREM11/824; B. G. Smallman to A. Montague Browne, 21 Nov 52, PREM11/824; A. Montague Browne to B. G. Smallman, 23 Nov 52, PREM11/824.

⁴⁹ CC(52) 100th conclusions, minute 8, 25 Nov 52, CAB128/25.

⁵⁰ CC(52) 100th conclusions, minute 8, 25 Nov 52, CAB128/25.

stated that 'the problem of coloured workers was not confined to the Post Office' but 'they were also found in other Departments'.⁵¹ He expressed his position that 'If Government policy on this matter should be modified, his Department would fall into line; but it could hardly be expected to introduce discrimination on grounds of colour in its recruitment of staff as a matter of Departmental policy'.⁵²

However, the Home Secretary (David Maxwell-Fyfe) for his part proposed a civil servant enquiry in order 'to establish the facts of the situation'.⁵³ The Colonial Secretary (Oliver Lyttleton) basically agreed to the proposal, although showing reservation that it would not be taken as the government being considering about discrimination. He told that 'there would be grave objection to any suggestion of discrimination between coloured and other subjects of Her Majesty in the matter of entry to the United Kingdom'.⁵⁴ The Cabinet therefore gave approval to the Home Secretary on an enquiry of civil servants 'to examine the possibilities of preventing any further increase in the number of coloured people seeking employment in this country'.⁵⁵

The official committee, "Working Party on Coloured People Seeking Employment in the United Kingdom" (code CWP), was arranged shortly by the Home Office, according to its terms of reference, in order 'to examine the possibilities of preventing any further increase in the number of coloured people seeking employment in the United Kingdom'.⁵⁶ The committee was composed of

⁵¹ CC(52) 106th conclusions, minute 7, 18 Dec 52, CAB128/25.

⁵² CC(52) 106th conclusions, minute 7, 18 Dec 52, CAB128/25.

⁵³ CC(52) 106th conclusions, minute 7, 18 Dec 52, CAB128/25.

⁵⁴ CC(52) 106th conclusions, minute 7, 18 Dec 52, CAB128/25.

⁵⁵ CC(52) 106th conclusions, minute 7, 18 Dec 52, CAB128/25.

⁵⁶ Frank Newsam, Permanent Under-Secretary, HO, to Percival Liesching, Permanent Under-Secretary, CRO, 30 Dec 52, DO35/5216; Frank Newsam, Permanent Under-Secretary, HO, to Thomas Lloyd, Permanent Under-Secretary, CO, 30 Dec 52, CO1028/22; CWP(53)1, 24 Jan 53, CO1028/22

the Assistant Under-Secretary or Assistant Secretary rank of the Home Office, Colonial Office, Commonwealth Relations Office, Ministry of Labour, Scottish Home Department, and Ministry of Transport. The Home Office Assistant Under-Secretary in charge of the Aliens and Nationality Divisions (W. H. Cornish) took the chair. This official committee was to mark an important institutional beginning in the government's discussions on Commonwealth immigration. Firstly, for the first time the inter-departmental discussions of civil servants obtained an institutional basis centred by the Home Office. Secondly, this official committee was to provide the initial framework for the succeeding inter-departmental discussions, which resulted in the 1962 Commonwealth Immigrants Act.⁵⁷

In the light of the policy having been maintained since the previous Labour government, namely, adopting administrative measures while rejecting legislation to avoid the risk of politicisation, this official committee examined whether 'preventing an increase in the number of coloured people obtaining employment in the United Kingdom' would be possible 'without placing any control on their actually entering the country'.⁵⁸

The key point was the feasibility of internal control. The Ministry of Labour had an idea, on the one hand, that it would be practicable for Employment Exchanges to refuse to submit coloured people for vacancies.⁵⁹ This measure was felt also to have the effect of reducing immigration because 'Knowledge of the existence of a practice of excluding coloured people from employment might deter coloured people from setting out for the United Kingdom'.⁶⁰ However, at the same

⁵⁷ Equally important from another perspective was that David Maxwell-Fyfe, Home Secretary, who was to play an important role as the Chairman of the later ministerial committees, started to involve in the process.

⁵⁸ CWP(53)2, 26 Jan 53, CO1028/22, para.4.

⁵⁹ CWP(53) 1st meeting, 30 Jan 53, CO1028/22, para.5.

⁶⁰ CWP(53) 1st meeting, 30 Jan 53, CO1028/22, para.7.

time, the Ministry had a strong counter argument to these ideas, which was that 'the possible benefit which would result would be outweighed by the dislocation caused in the United Kingdom'.⁶¹ Civil servants therefore established at the early stage of their discussion the view that 'it would have no purpose to prevent people obtaining employment without at the same time applying immigration controls'.⁶²

Civil servants reached a different conclusion from what had been achieved in 1950. As shown above, there had been a common recognition among civil servants that administrative measures were not effective to deter immigration. As the Home Office observed in the meeting, they thought that 'all possible measures had been tried'.⁶³ In these circumstances, legislation on entry was felt to be the major condition for the government adopting any measures as regards Commonwealth immigration. Civil servants had realised that the real question was how to persuade the public and Parliament to accept legislation and also that politicians were responsible for this political task.

Having legislation in mind, therefore, civil servants continued their discussions about the details of legislation. A labour permit system similar to that applied to aliens was proposed by the Home Office as the measure to control both immigration and employment.⁶⁴ The Ministry of Labour raised administrative difficulties in operating the permit system and worrying about criticism as 'exercising colour discrimination', but it did not oppose the Home Office's proposal.⁶⁵ The Colonial Office also supported the Home Office's proposal on the condition that it 'applied equally to all British subjects, whether white or coloured,

⁶¹ CWP(53) 1st meeting, 30 Jan 53, CO1028/22, para.7.

⁶² CWP(53) 1st meeting, 30 Jan 53, CO1028/22, para.14.

⁶³ CWP(53) 2nd meeting, 21 Jul 53, CO1028/22, para.13.

⁶⁴ CWP(53)2, 26 Jan 53, CO1028/22, para.4.

⁶⁵ CWP(53) 3rd meeting, 12 Nov 53, CO1028/22, para.7.

who did not belong to the United Kingdom'.⁶⁶ However, the Commonwealth Relations Office showed an intention to oppose the plan if immigration control was applied to all British subjects as the Colonial Office claimed. A major concern of the Commonwealth Relations Office was 'to avoid any weakening of . . . sentimental ties with dominions such as Canada and Australia so many of whose inhabitants looked on the United Kingdom as "home" '.⁶⁷ There was a difference in views between the Colonial Office and the Commonwealth Relations Office with regards to the subject of control.

Meanwhile, as far as deportation was concerned, all departments in the CWP endorsed legislation for deporting 'undesirable British subjects' not belonging to the United Kingdom. These would be those 'who had committed a serious criminal offence, or who were unemployable or had been dependant on public assistance for a long period'. Both the Colonial and Commonwealth Relations Offices, which held concern about the impact of immigration control to relations with the Commonwealth, thought that legislation on deportation would 'not cause any strong objection from the Colonies or the self governing Commonwealth countries, many of which had similar legislation'.⁶⁸

The CWP had three meetings in the period of almost one year. The report submitted to the Home Secretary in December 1953 clearly stated, on the one hand, that 'No effective action to reduce the number of coloured British subjects seeking employment in the United Kingdom can be taken without legislation'. Such legislation, the report continued, 'would give power to restrict the entry to the

⁶⁶ CWP(53) 1st meeting, 30 Jan 53, CO1028/22, para.9.

⁶⁷ CWP(53) 2nd meeting, 21 Jul 53, CO1028/22, para.26. On the other hand, the Commonwealth Relations Office stated that 'In the case of India and Pakistan, the countries which would be most affected by the application of any controls, the considerations would be different' (CWP(53) 2nd meeting, 21 Jul 53, CO1028/22, para.26).

⁶⁸ CWP(53) 3rd meeting, 12 Nov 53, CO1028/22, para.18.

United Kingdom of British subjects not normally resident here and a power to deport those who take employment without the permission of the appropriate authority'.⁶⁹ On the other hand, concern about public and Parliamentary reactions was also pointed out as follows: 'Consideration of any form of restriction on the freedom of British subjects to enter or remain in the United Kingdom would raise major questions of policy, and legislation for the purpose would almost certainly be controversial'.⁷⁰ Despite these reservations from political considerations, the general position of civil servants took one step forward towards legislation from that in 1951.

Cabinet considerations on public support

The conclusions of the official committee CWP were reported to the Cabinet meeting on 3 February 1954 (CC(54)7th).⁷¹ The total number of coloured people was reported to be about 40,000, compared with 7,000 before the Second World War, and about 2,000 had entered the UK in 1953.⁷²

Unlike civil servants, the Home Secretary (David Maxwell-Fyfe) was not in favour of taking a power to entry or deport British subjects.⁷³ He felt that 'a case has not been made out for taking even a limited power of this nature [*i.e.* deportation]'.⁷⁴ In the Cabinet meeting, the Home Secretary on the one hand raised public concern about immigration and told that 'at any time the occurrence of some

⁶⁹ CWP(53) report, 17 Dec 53, CO1032/119, DO35/5216, para.51.

⁷⁰ CWP(53) report, 17 Dec 53, CO1032/119, DO35/5216, para.51.

⁷¹ This was partly because the Prime Minister (Winston Churchill) hoped to discuss the issue in the Cabinet rather than at a lower level (P. G. Oates, a Joint Private Secretary to the Prime Minister, to R. J. Guppy, Principal Private Secretary to the Home Secretary, 29 Jan 54, PREM11/824).

⁷² CC(54) 7th conclusions, minute 4, 3 Feb 54, CAB128/27/pt.1.

⁷³ C(54)34, 28 Jan 54, CAB129/65, p.3, para.7.

⁷⁴ C(54)34, 28 Jan 54, CAB129/65, p.3, para.7.

shocking crime involving a coloured person might give rise to strong public feeling on the matter'.⁷⁵ However, on the other, he also claimed that 'the problem had [not] yet assumed sufficient proportions to justify legislation which would involve a reversal of our traditional practice and would antagonise liberal opinion' and that 'It had to be recognised that any action which the Government might take could be easily misrepresented as introducing a "colour bar" '.⁷⁶ The Home Secretary's view was accepted by the Prime Minister (Winston Churchill).⁷⁷ The idea to legislate on entry was rejected.

However ministers' views were different as regards deportation. It was claimed that 'it was no longer incumbent on the United Kingdom to follow a policy more liberal than that in force in other Commonwealth countries and there might . . . be a case for assuming a power to deport from this country British subjects from overseas'.⁷⁸ Pushed strongly by this view, the Cabinet decided that the government should continue to seek for a way to legislate on deportation, and at first it should examine power of other Commonwealth and Colonial Government to deport British subjects.⁷⁹

Ministers postponed legislation on entry in fear of politicising the issue in the same manner as the Labour government did in 1951. Further discussions within the government were decided to be confined to deportation for the time being.

⁷⁵ CC(54) 7th conclusions, minute 4, 3 Feb 54, CAB128/27/pt.1.

⁷⁶ CC(54) 7th conclusions, minute 4, 3 Feb 54, CAB128/27/pt.1.

⁷⁷ CC(54) 7th conclusions, minute 4, 3 Feb 54, CAB128/27/pt.1.

⁷⁸ CC(54) 7th conclusions, minute 4, 3 Feb 54, CAB128/27/pt.1.

⁷⁹ The Commonwealth Secretary and the Minister of State for the Colonial Affairs had already reported the measures of restriction imposed on British subjects by the Commonwealth and Colonial governments. These territories had legislative power to restrict entry and to deport British subjects. For this reason, both Ministers contended, power limited to deportation would not arouse much criticism from those territories (CC(54) 7th conclusions, minute 4, 3 Feb 54, CAB128/27/pt.1).

By this time, Commonwealth immigration had been defined within the government, especially within the civil servants, as an issue which could only be alleviated by the introduction of legislative control. Particularly important in this process was that the Cabinet decided to place the Home Office in the centre of the government's institutions which were to give considerations to the issue of Commonwealth immigration. This was evidently because the Home Office was the department in charge of immigration controls. However, this decision, in turn, was to limit the perspectives and measures the government may adopt in order to tackle the issue. The only formal remit held by the Home Office as regards immigration, therefore the only interest of the Home Office as regards Commonwealth immigration, was the control of immigration. Other perspectives such as prejudice and discrimination on the one hand, and housing, employment and welfare on the other, were not seriously taken within civil servants whose discussions were led by the Home Office.

The hidden assumption that the issue of Commonwealth immigration was approached, not from the perspectives of anti-discrimination or those of social policy, but from regulative measures of immigration control, was established in this process of the formation of the policy community dominated by the Home Office.

Chapter 6 Formulation of Policy Contents

The number of immigrants from the West Indies increased rapidly in the mid 1950s. The recorded figures were 2,000 in 1953, 11,000 in 1954, 27,500 in 1955, and 29,800 in 1956. Fare-paying migrants rather than stowaways became government concern. The social consequences of immigration came to worry various quarters of the government more strongly than before.

Public and Parliamentary anxiety over the issue increased in late 1953. Backed by the pressure from Parliament, political moves within the government became active. Intensive discussions emerged in various places - the Cabinet, inter-departmental official committees, and, later, the ministerial committee. Within the Cabinet, early legislation was demanded persistently by the Lord President, the Marquess of Salisbury. Strongly led by hardliners within the Cabinet who demanded restrictions on immigration, a Bill to introduce control on entry of British subjects was to be prepared and submitted to the Cabinet.

In the meantime civil servants kept their own focus. Political considerations motivated ministerial discussions, while discussions by civil servants were relatively free from these. The stance of the major departments changed during three years from 1954 to 1956 with the change in circumstances from their own standpoint. Contrary to previous views, the general opinion of civil servants was to shift to rejecting early legislation.

1. Increasing Public and Parliamentary Anxiety

Pressure from Parliament and the Lord President

Public anxiety on immigration increased towards the end of 1953. More than a year had passed since the Prime Minister (Winston Churchill) first raised this issue in the Cabinet meeting of November 1952. In the meantime government discussions on Commonwealth immigration were gradually affected by political considerations.

Concern within Parliament was increasing. On 10 December 1953, Brigadier Medlicott, the Conservative Party MP for Norfolk Central, asked in the Commons about the number of coloured persons settled in the United Kingdom.¹ Another question was raised also from Arthur Lewis, the Labour Party MP for Westham North, in the Commons on 18 February 1954 about whether the Prime Minister would make a statement on the colour bar,² and again on 18 March he was to be asked by Thomas Reid, the Labour Party MP for Swindon, who was demanding that a committee of enquiry should be appointed 'to report on the problems arising from the increased immigration of coloured people into this country'.³ Parliamentary pressure on this issue was to increase further throughout 1954 and 1955.⁴

On 10 March the Cabinet (CC(54)17th) discussed the Prime Minister's response to Thomas Reid's Question. The Home Secretary (David Maxwell-Fyfe) was of the opinion that the request for an enquiry should be rejected. He had in his mind the Cabinet consensus created a short while before that 'the situation was not yet so acute that these difficulties must be faced'.⁵ He felt that the committee of

¹ House of Commons, Parliamentary Debates, 'Coloured Persons (U.K. Settlement)', House of Commons Official Report, Session 1953-54, Vol.521 (London, HMSO, 1953), 10 December 1953, col.257w; cf. Zig Layton-Henry, *Politics of Immigration: Immigration, 'Race' and 'Race' Relations in Post-war Britain* (Oxford, Blackwell, 1992), p.31.

² House of Commons, Parliamentary Debates, 'Colour Bar', House of Commons Official Report, Session 1953-54, Vol.523 (London, HMSO, 1954), 18 February 1954, cols.2154-5, col.2154.

³ CC(54) 17th conclusions, minute 6, 10 Mar 54, CAB128/27/pt.1.

⁴ Layton-Henry, *Politics of Immigration*, pp.32 and 42n.

⁵ CC(54) 17th conclusions, minute 6, 10 Mar 54, CAB128/27/pt.1. The Home Secretary was thinking that 'a Committee is unlikely to add materially to the information which has already been

enquiry would risk the politicisation of the issue because the appointment of the committee 'would arouse suspicion that the Government were contemplating action which would involve discrimination on grounds of colour and might disrupt the unity of the Commonwealth'.⁶ The Cabinet endorsed his view and decided to reject Reid's request.⁷ Accordingly, the Prime Minister replied in the Commons on 18 March that 'the topic was under consideration, but that he did not think any useful purpose would be served by setting up a committee at that point'.⁸

However, more important at this Cabinet meeting on 10 March than this topic was that the Cabinet decision taken on 3 February that the scope of legislation should be limited to deportation was reversed. A stubborn proponent of comprehensive legislation, *i.e.* both for entry and deportation, within the Cabinet was the Marquess of Salisbury, the Lord President of the Council and Leader of House of Lords.⁹ At the Cabinet meeting he cast a doubt as to whether 'the possibility of deportation would in itself be enough to check the increasing tide of immigration'.¹⁰ He claimed that the government should discuss the possibility of

collected by the official inter-departmental Committee' and also that 'The issues involved are fairly clear and they involve the broadest policy considerations which are really inappropriate for any Committee' (C(54)94, 9 Mar 54, CAB129/66, p.2, para.4).

⁶ CC(54) 17th conclusions, minute 6, 10 Mar 54, CAB128/27/pt.1.

⁷ Another consideration on this Cabinet decision was: 'When this answer had been given, it would be easier to judge the general state of feeling on this question in the House of Commons and to assess the prospect of passing legislation limiting the rights of British subjects from other parts of the Commonwealth to reside in the United Kingdom' (CC(54) 17th conclusions, minute 6, 10 Mar 54, CAB128/27/pt.1).

⁸ House of Commons, Parliamentary Debates, 'Overseas British Subjects (Immigration)', House of Commons Official Report, Session 1953-54, Vol.525 (London, HMSO, 1954), 18 March 1954, col. 63w, col. 63w.

⁹ Viscount Swinton, Commonwealth Secretary, to David Maxwell-Fyfe, Home Secretary, 19 Mar 54, DO35/5216.

¹⁰ CC(54) 17th conclusions, minute 6, 10 Mar 54, CAB128/27/pt.1.

legislation on entry also. The Commonwealth Secretary (Viscount Swinton) opposed his view and insisted that 'any initiative in this direction by the United Kingdom might have the result of bringing into force in India and Pakistan stricter immigration controls which would work to the disadvantage of the European business community in those countries'.¹¹

However, the view of the Lord President resulted in the Cabinet reversing its decision of 3 February. Accepting his opinion, the Cabinet decided that the Home, Commonwealth, and Colonial Secretaries should consider 'whether legislation restricting the right of British subjects from other parts of the Commonwealth to enter and remain in the United Kingdom should be confined to a power to deport individuals . . . or whether powers should also be taken to control the entry of British subjects into this country'.¹² The hardliners led by the Lord President were beginning to dominate ministerial discussions.

Discussions in the official committee CWP(2)

It was the Commonwealth Relations Office that most strongly insisted to confine the government discussion to the issue of deportation. In order to keep good relations with independent Commonwealth countries, the Department strongly hoped to rule out the possibility of legislation on entry from those areas, and therefore to avoid any discussions about legislation on entry. Nine days later, on 19 March, the Commonwealth Secretary (Viscount Swinton) sent a letter to the Home Secretary (David Maxwell-Fyfe) and proposed that the Home Secretary should set up a new inter-departmental committee of civil servants under the Home Office chairmanship and to discuss there only the question of deportation.¹³

¹¹ CC(54) 17th conclusions, minute 6, 10 Mar 54, CAB128/27/pt.1.

¹² CC(54) 17th conclusions, minute 6, 10 Mar 54, CAB128/27/pt.1.

¹³ Viscount Swinton, Commonwealth Secretary, to David Maxwell-Fyfe, Home Secretary, 19 Mar

However, his claim to confine the option only to deportation was rejected by the Lord President. Letters were exchanged between the Lord President and the Commonwealth Secretary, which proved fruitless to fill the gap between them.¹⁴ To solve the differences in views and then to set up agendas for the new official committee, a ministerial meeting of the Home Secretary, Lord President, Commonwealth Secretary, and Colonial Secretary was held on 12 April. It had already been clear that these Ministers and their Departments as well as the Minister of Labour and his Ministry were the most important actors in the government discussion on Commonwealth immigration. In the meeting the Lord President's view was finally adopted. The Ministers concluded that the enquiry of civil servants should consider both about deportation and restriction of entry.¹⁵

The new official committee was named "Working Party to Consider Certain Proposals to Restrict the Right of British Subjects from Overseas to Enter and Remain in the United Kingdom" (code CWP(2)). It consisted of civil servants of Assistant (Under-) Secretary ranks. The Chairman and the Departments represented were same as those in the previous official committee CWP, namely: Home Office (which provided the chairman, W. H. Cornish), Colonial Office, Commonwealth Relations Office, Ministry of Labour, Scottish Home Department, and Ministry of Transport. Over the period of five months, this committee held four meetings and produced two reports dated 10 July 1954 and 22 October 1954 respectively.

In the discussion of the committee, civil servants confirmed their previous view that 'the only effective way of enforcing the desired control is to make it the law as regards British subjects in the categories to be controlled . . . that they must

54, DO35/5216.

¹⁴ Viscount Swinton, Commonwealth Secretary, to the Marquess of Salisbury, Lord President, 15 Mar 54, DO35/5216; the Marquess of Salisbury to Viscount Swinton, 20 Mar 54, DO35/5216.

¹⁵ Note of a meeting on 12 Apr 54, DO35/5216, CO1032/119.

obtain leave of an immigration officer to land in this country'.¹⁶ The main points of their discussions were concerned therefore not with the question whether legislation should be adopted, but with the concrete measures and subjects of control. As regards the measures of control were concerned, requirement of a definite offer of employment from employers, which would be scrutinised by the Ministry of Labour, was proposed. This was basically on the same line with the Home Office proposal made in the previous official committee CWP. Civil servants thought that, 'since individual employers in this country would be unlikely . . . to apply for a coloured British subject by name, if this scheme were operated the stream of coloured labour from the West Indies would fairly quickly practically cease to flow'.¹⁷

As far as the subjects of control were concerned, two possibilities were raised as the categories of people subject to control. The first possibility was the Citizens of the United Kingdom and Colonies (CUKC) not "belonging" to the United Kingdom, British subjects without citizenship, and British protected persons.¹⁸ The other possibility was all Commonwealth citizens. In both cases, the control of Irish citizens was thought to be practically impossible. The Ministry of Labour, above all, opposed this for the reason that the Irish were essential to agriculture and certain other industries in Britain and strongly claimed that 'The

¹⁶ CWP(2)(54) report, 10 Jul 54, DO35/5216, CO1032/119, p.2, para.5.

¹⁷ CWP(2)(54) report, 10 Jul 54, DO35/5216, CO1032/119, p.2, para.6.

¹⁸ Civil servants proposed a concept of 'a person "belonging" to the United Kingdom', who would be exempted from control. It was defined as one who: '(a) was born in the United Kingdom or was born of parents who at the time of his birth were ordinary resident here; or (b) has been ordinarily resident or domiciled in the United Kingdom continuously for a period of seven years or more and has not since the end of that period been resident continuously for a period of seven years or more in any other part of the Commonwealth; or (c) was naturalised in this country; or (d) is the wife or minor child of a person falling within the foregoing classes' (CWP(2)(54) report, 10 Jul 54, DO35/5216, CO1032/119, p.4, para.12).

restoration of the control is not only costly and unnecessary but positively undesirable from the employment point of view'.¹⁹

The first of these two possibility involved a couple of difficulties.²⁰ Firstly, it would make it obvious that the measure was targeted at coloured people, in particular those from the West Indies. Secondly, Citizens of the United Kingdom and Colonies not "belonging" to the United Kingdom would be placed at a disadvantage to citizens of other Commonwealth countries who were thought to have less claim on the United Kingdom. Thirdly, if a colonial territory became an independent state within the Commonwealth, the control would cease for its citizens.

The second possibility, *i.e.* if control was extended to all Commonwealth citizens, these problems could be avoided. Moreover, this could cope with a future increase in immigration from India and Pakistan, which was a potential concern among civil servants.²¹ However this option had problems of different kinds. Firstly, it might weaken the sentiment held by Commonwealth citizens which attached to the "mother country" and thus helped to bind together the nations of the Commonwealth. Secondly, India, Pakistan and Ceylon might take counter-action on immigration from the UK, which would be detrimental to British interests. And thirdly, exclusion of Irish citizens from the control would be more controversial than the first option as in this option Irish citizens were the only people exempted from control.²²

In contrast to the control on entry, the measures about deportation were well detailed. Ministers had agreed in February (CC(54)7th, 3 February 1954) that

¹⁹ CWP(2)(54) report, 10 Jul 54, DO35/5216, CO1032/119, p.3, para.8; p.6, para.18.

²⁰ CWP(2)(54) report, 10 Jul 54, DO35/5216, CO1032/119, pp.4-5, para.14.

²¹ CWP(2)(54) report, 10 Jul 54, DO35/5216, CO1032/119, p.5, para.14.

²² CWP(2)(54) report, 10 Jul 54, DO35/5216, CO1032/119, p.5, para.15.

deportation should be applied all British subjects from overseas.²³ Civil servants in the CWP(2) therefore confirmed that only those who "belong" to the United Kingdom should be exempted from deportation.²⁴ They also agreed on three conditions as the grounds for deportation - conviction of certain criminal offences, undesirability, and living on public funds.²⁵ The only difficult problem was the arrangements on Irish citizens. It was felt difficult to defend excluding Irish citizens from the scope of deportation.²⁶ Nevertheless, this point was unlikely to bring differences in positions among departments. Civil servants had already established the common lines as far as deportation was concerned.

However, there were large differences in views on legislation on entry among civil servants. The Colonial Office supported the second option in which citizens of the whole Commonwealth including independent states should be made subject to control, while the Commonwealth Relations Office opposed this. In the situation that the Colonial Office favoured legislation on entry, the Commonwealth Relations Office was beginning to worry that the discussion would proceed at the pace of the Colonial Office and even to take the position to exclude the whole matters concerned with legislation on entry from government discussions. These differences in views as regards the subjects of entry control were to be reported to ministers.

In order to examine the reports from the official committee CWP(2), the four ministers - Home Secretary (Gwilym Lloyd-George), Colonial Secretary (Alan Lennox-Boyd), Commonwealth Secretary (Viscount Swinton) and Lord President (the Marquess of Salisbury) - met again on 1 November. By this time, Oliver

²³ CWP(2)(54) report, 10 Jul 54, DO35/5216, CO1032/119, p.6, para.19.

²⁴ CWP(2)(54) 2nd report, 22 Oct 54, DO35/5217, CO1032/119, para.5.

²⁵ CWP(2)(54) 2nd report, 22 Oct 54, DO35/5217, CO1032/119 para.5.

²⁶ CWP(2)(54) 2nd report, 22 Oct 54, DO35/5217, CO1032/119, para.16.

Lyttelton and David Maxwell-Fyfe had been replaced by Alan Lennox-Boyd (28 July 1954) and Gwilym Lloyd-George (18 October 1954) respectively.²⁷ The gap emerged again between the Commonwealth Secretary and the Lord President. This was further joined by the Colonial Secretary, who had a dissident view from the Commonwealth Secretary as to whether citizens of the independent Commonwealth countries should be made subject to legislation on entry.

At the meeting the Commonwealth Secretary strongly opposed the inclusion of the citizens of the independent Commonwealth countries in the subject of legislative restriction. He claimed that 'Any action which may weaken the ties which help to bind the Commonwealth together is a matter of direct interest to the United Kingdom, and it is important that this side of the question should be given full weight'.²⁸ Moreover, for him, "the fact" was that 'the problem with which we are in fact concerned is that of coloured immigrants from Colonial territories' and 'we shall welcome the comparatively few good young Canadians or New Zealanders who wish to work here, while restricting an excessive number of West Indians or West Africans'.²⁹ The Lord President for his part was not satisfied with the analyses shown in the civil servant reports. When the first report was issued in August 1954 he had revealed his discontent that 'There appears to be no recognition [in the report] of the dangers of the increasing immigration of coloured people into this country'.³⁰

The differences in views among ministers as regards legislation on entry

²⁷ As a result of the Cabinet reshuffle on 18 October 1954, David Maxwell-Fyfe, who became a Lord, Viscount Kilmuir, was transferred to Lord Chancellor. For his successor as Home Secretary, Gwilym Lloyd-George transferred from Minister of Food.

²⁸ C(54)356, 23 Nov 54, CAB129/72, p.1, para.4.

²⁹ C(54)356, 23 Nov 54, CAB129/72, p.2, para.5.

³⁰ Minute by the Marquess of Salisbury, Lord President, 8 Aug 54, on A. H. K. Slater, Private Secretary to Lord President, to the Marquess of Salisbury, Lord President, 5 Aug 54, CAB124/1191.

were unlikely to be solved. There was no way but the discussion about this point should be suspended for a while. Consequently the four ministers provisionally agreed that further consideration of the problem should be confined to working out a practicable scheme for deportation for the time being.³¹

2. Dominance of Hardliners within the Cabinet

Change in Home Office's policy

The position of the Home Office was changing in the meantime in 1954. A great change was appearing in the situation of immigration. As had shown at the beginning of this Chapter, the rate of immigration from the West Indies had greatly increased in 1954. It was to reach 11,000, as compared with a little over 2,000 in 1953.³²

The change in administration brought a chance to the Home Office reviewing its policy. Under these circumstances, the new Home Secretary, Gwilym Lloyd-George, was more determined to take actions on the issue of Commonwealth immigration than his predecessor, David Maxwell-Fyfe. When Lloyd-George took office as Home Secretary, he showed the view to senior officials of his Department that 'a wider approach to this question will be expected from the Government' and that 'it is not possible to continue to look with equanimity on a large, increasing and uncontrolled flow of immigrants into the United Kingdom of a kind which does not readily assimilate itself to the native population of this country'.³³ It became soon

³¹ Frank Newsam, Permanent Under-Secretary, HO, to Thomas Lloyd, Permanent Under-Secretary, CO, 8 Nov 54, CAB124/1191, CO1032/120.

³² CC(54) 78th conclusions, minute 4, 24 Nov 54, CAB128/27/pt.2.

³³ Frank Newsam, Permanent Under-Secretary, HO, to Thomas Lloyd, Permanent Under-Secretary, CO, 8 Nov 54, CAB124/1191, CO1032/120.

evident that the Home Office was changing its policy on Commonwealth immigration under the new administration. The Department began to act on the belief that 'there is a general feeling that there is a problem which needs to be tackled'.³⁴

The new Home Secretary did not preclude the possibility to legislate on entry, unlike Maxwell-Fyfe who was consistently opposed to any legislation as regards Commonwealth immigration. The new Home Secretary recognised the importance to gain public support for any government action. His initial strategy was therefore to mobilise public opinion in favour of legislation. On 8 November the Home Office approached the Colonial Office, Commonwealth Relations Office and Ministry of Labour, and proposed that a non-governmental committee of inquiry into the issue should be appointed.³⁵ The committee should be composed of ten or eleven persons and discuss, not about deportation, but about whether legislation to restrict entry is necessary or desirable.³⁶

This proposal meant to abandon the agreement in the four Ministers' meeting of the previous week, on 1 November, in which the consideration should be for the time being confined to deportation, and infuriated other departments particularly the Commonwealth Relations Office. As pointed out above, the Commonwealth Relations Office was cautious about the initiative which might lead to legislation on

³⁴ Frank Newsam, Permanent Under-Secretary, HO, to Thomas Lloyd, Permanent Under-Secretary, CO, 8 Nov 54, CAB124/1191, CO1032/120.

³⁵ Frank Newsam, Permanent Under-Secretary, HO, to Thomas Lloyd, Permanent Under-Secretary, CO, 8 Nov 54, CAB124/1191, CO1032/120.

³⁶ The proposed terms of reference was: 'To consider and report whether any, and if so, what changes in the law relating to the admission of British subjects to the United Kingdom are necessary or desirable in the national interest and in the interest of the immigrants themselves, and in particular to consider whether provision should be made for controlling the entry of those who wish to seek employment in this country.' (Frank Newsam, Permanent Under-Secretary, HO, to Thomas Lloyd, Permanent Under-Secretary, CO, 8 Nov 54, CAB124/1191, CO1032/120)

entry from independent Commonwealth countries. The civil servant side of the Commonwealth Relations Office strongly opposed the proposal. It was thought that the admission of British subjects to the UK was unsuitable for a non-governmental committee and also there was a risk that the appointment of the committee might be interpreted as a step to legislate 'in terms of coloured discrimination, with unfortunate reactions in the Asian Commonwealth countries'.³⁷ The Commonwealth Relations Office decided to take a stance basically to oppose the appointment of the committee. However, the Department also decided that, if the appointment of the committee were unavoidable, the Department should try to confine the scope of the enquiry strictly to 'only the particular class of immigrants which we have in mind'.³⁸ This meant to be immigrants from the West Indies, at the narrowest, or from the Colonies, at the broadest.

The Colonial Office was also surprised at the Home Office's proposal but its reaction was not so strong as that of the Commonwealth Relations Office because it did not necessarily oppose the control on entry. Rather what the Department was worrying was that the scope of enquiry might be limited to the immigration of the people from Colonies as the Commonwealth Relations Office claimed.³⁹

Differences in views were therefore found between the Home Office, Commonwealth Relations Office and Colonial Office. Compromise was sought at ministerial level. At this time, the Commonwealth Secretary accepted the appointment of the committee, on the condition that the membership should include someone with special knowledge of the self-governing Commonwealth countries.⁴⁰

³⁷ A. F. Morley, Assistant Under-Secretary, CRO, to P. Liesching, Permanent Under-Secretary, and S. Garner, Deputy Under-Secretary, 9 Nov 54, DO35/5217.

³⁸ Viscount Swinton, Colonial Secretary, to G. Lloyd-George, Home Secretary, 16 Nov 54, DO35/5217.

³⁹ Minute by A. Lennox-Boyd, Colonial Secretary, 17 Nov 54, CAB124/1191.

⁴⁰ C(54)356, 23 Nov 54, CAB129/72, p.1, para.4.

This compromise seemed to make the appointment of the committee possible. At the Cabinet meeting on 24 November (CC(54)78th), the Home Secretary proposed the idea. The possible composition of the committee was then announced two weeks later at another Cabinet meeting held on 6 December (CC(54)82nd).⁴¹

However, at this Cabinet meeting the agreement among ministers to set up a committee of enquiry was to be reversed. This was because 'serious doubts were expressed about the expediency of proceeding with the appointment of such a Committee'.⁴² Doubts were raised from those in favour of early legislation. The pressure for early and comprehensive legislation from some Cabinet members was strong. They thought that the proposed committee 'was bound to include some members who would be opposed in principle to any action which might appear to be discriminatory in character' and therefore 'At the best . . . the Government would be likely to find themselves obliged to act in disregard of a minority report, while at the worst the Committee's recommendations might make it impracticable for the Government to take any action in the matter'.⁴³

The Cabinet discussion proceeded at the pace of these hardliners. They insisted that the government should choose legislation instead of a committee and that the Bill should be prepared. They had a firm belief that there was 'a surprisingly wide body of opinion in favour of immediate action'.⁴⁴ Consequently the Cabinet

⁴¹ C(54)375, 3 Dec 54, CAB129/72. The proposal was, as the Chairman, Lord Radcliffe or, failing him, the Earl of Crawford and Balcarres, or Mr John Sparrow (Warden of All Souls) or Sir David Lindsay Keir (Master of Balliol); One Conservative, one Labour and one Liberal MP; One representative of Employer Organisations; One representative of the Trade Union Congress; One person familiar with Commonwealth problems, to be nominated by the Commonwealth Secretary; One person experienced in Colonial administration, to be nominated by the Colonial Secretary; One person ('preferably a woman') well known as a social worker; One economic expert.

⁴² CC(54) 82nd conclusions, minute 7, 6 Dec 54, CAB128/27/pt.2.

⁴³ CC(54) 82nd conclusions, minute 7, 6 Dec 54, CAB128/27/pt.2.

⁴⁴ CC(54) 82nd conclusions, minute 7, 6 Dec 54, CAB128/27/pt.2.

decided that a Bill for restricting on entry and stay should be arranged by the Home and Colonial Secretaries.⁴⁵

Increasing pressure from backbenchers and the party

It was indeed true that the concern about increasing immigration was intensified within Parliament in 1954. However, this was felt to have an effect to increase immigration.⁴⁶ The Colonial Office in particular had powerful arguments to counter talk of legislation. Behind Cabinet discussions on legislation, the Colonial Office was eager to discourage emigration from the West Indies. Colonial Governors were warned that if they were unsuccessful in reducing the rate of emigration legislative control should be introduced in the UK.⁴⁷

Despite the concerns of the Colonial Office, there emerged an Parliamentary initiative in January 1955 which was to affect the position of the government. On 20 January 1955 (CC(55)5th) the Cabinet was informed that a Conservative backbencher, Cyril Osborne, the Conservative Party MP for Louth, was seeking to introduce a Private Members' Bill designed to regulate the admission into the UK of persons not "belonging" to the British Isles.⁴⁸ He was seeking the Conservative

⁴⁵ This decision to draft a Bill had another political meaning. The next general election was due to be carried out within a year (by October 1955). Harold Macmillan later recalled in his memoir that Churchill hoped to raise the issue with the draft Bill at the general election (Harold Macmillan, *At the End of the Day 1961-1963* (London, Macmillan, 1973), p.73).

⁴⁶ D. W. Dean, 'Conservative governments and the restriction of Commonwealth immigration in the 1950s: the problem of constraint', *Historical Journal*, 35, 1 (1992), 171-94, p.179.

⁴⁷ The Colonial Office sent a despatch to the Governor of Barbados (R. A. Arundell), which read that 'The arrival of large numbers of immigrants, mainly though not entirely from the West Indies, is causing and widespread public and Parliamentary anxiety in this country and it is being considered whether it will not be necessary to introduce legislation to control immigration of British subjects from overseas' (Colonial Secretary to Governor of Barbados, 31 Dec 54, CO1028/35; *cf.* Dean, 'Conservative governments', pp.178-9).

⁴⁸ CC(55) 5th conclusions, minute 2, 20 Jan 55, CAB128/28.

backbench support for the Bill.

Osborne's action put the Cabinet, as well as the Colonial Office, in confusion. They were suddenly under pressure to decide their position towards legislation on entry. The Cabinet worried about the situation that Osborne's Bill might prejudice the course of the government's Bill in preparation. It was felt that 'If . . . leave [to submit the Osborne's Bill to Parliament] were refused, it would be more difficult for the Government to introduce legislation of its own during the present session'.⁴⁹

On the one hand, the Cabinet decided at its meeting on 24 January (CC(55)6th) that if Osborne's Bill were introduced to Parliament 'Ministers of Cabinet rank should abstain from voting and that other members of the Government should either abstain or vote in favour of the proposal'.⁵⁰ On the other hand, the efforts to discourage Osborne to proceed with its Bill was made behind the scene. The Osborne's Bill was discussed in the Parliamentary Conservative Party's Commonwealth Affairs Committee on 27 January.⁵¹ The Whip claimed that debate on the Bill would degenerate into a colour bar wrangle, and 'an administrative solution giving the Home Secretary power to deport undesirables after conviction' would be much more effective than controversial legislation. The Whip further warned that an awkward situation might arise if leave to bring in Osborne's Bill was refused by the Commons, as it would tie the government's hands.⁵² The pressure on Osborne from the Conservative Party leaders succeeded at last and his Bill was withdrawn at this time.

Action outside the government continued, however. The Cabinet was again

⁴⁹ CC(55) 6th conclusions, minute 1, 24 Jan 55, CAB128/28.

⁵⁰ CC(55) 6th conclusions, minute 1, 24 Jan 55, CAB128/28.

⁵¹ Richard Lamb, *The Failure of the Eden Government* (London, Sidgwick and Jackson, 1987), pp.18-9.

⁵² Lamb, *The Failure of the Eden Government*, pp.18-9.

informed on 16 March (CC(55)25th) that the issue of Commonwealth immigration would be raised at the Central Council of Conservative Associations on the following day. A resolution was to be adopted to call for legislation to deport undesirable persons belonging to other Commonwealth countries.⁵³ Unlike the Osborne's Bill, this was unlikely to have an direct impact on government policy. Legislation was not unlikely to be proposed due to division of opinions. The Cabinet decided that it should remain clam.⁵⁴

The government's draft Bill and moves to gain public and Parliamentary support

The government's Commonwealth Immigrants Bill was prepared by the Home Office in consultation with the Colonial Office. The Commonwealth Relations Office was not consulted at all. It was as late as May 1955 when the Commonwealth Relations Office was shown a draft of the Bill (2nd version) dated 3 February 1955 from the Home Office for the first time.⁵⁵

The exclusion of the Commonwealth Relations Office from this process affected the contents of the draft Bill. The Commonwealth Immigrants Bill was drafted to apply to all immigrants from the Commonwealth who did not "belong" to the UK. They were also liable to deportation. Citizens of the Irish Republic ordinarily resident in the Republic were exempted from entry control; however they were liable to deportation unless they "belonged" to the UK. This was one of the two options that the CWP(2) had recommended in its report on 22 October 1954 and the one the Colonial Office showed its preference. Though the provisions of the draft Bill applied in face to the whole Commonwealth, considering the resistance

⁵³ CC(55) 25th conclusions, minute 3, 16 Mar 55, CAB128/28.

⁵⁴ CC(55) 25th conclusions, minute 3, 16 Mar 55, CAB128/28.

⁵⁵ W. H. Cornish, Assistant Under-Secretary, HO, to A. F. Morley, Assistant Under-Secretary, CRO, 12 May 55, DO35/5218.

from the Commonwealth Relations Office, subsequent Orders in Council enacted under the Bill could discriminate one territory or Commonwealth country from another. Against the background that a shortage of accommodation was the most serious concern, the housing certificate as well as the employment permit were proposed as measures of control. The basic provisions of this draft Bill, except for the housing certificate which was to be dropped later, were to be maintained in the Commonwealth Immigrants Bill of 1961.

The outline of the Bill was reported in the Cabinet meeting on 13 January 1955 (CC(55)3rd). The Commonwealth Relations Office had a worry about the provisions of the Bill. Commonwealth Secretary stated in the meeting that: 'its provisions should be kept as general as possible in order that means might be found in practice to allow the movement of British subjects between the United Kingdom and independent Commonwealth countries to continue without hindrance'.⁵⁶ Moreover, in the Cabinet, there were still large differences in views. Opinions both in favour of and against the Bill were repeated. On the one hand, probable social effects of the high rate of immigration were raised and it was claimed that there was 'general support for the view that the social consequences of the increasing flow of West Indian immigrants into this country were sufficiently serious to compel the Government to take such action'.⁵⁷ On the other hand, there were doubts on Parliamentary and public supports for legislation. It was claimed that 'the Government were most unlikely to be able to carry through the House of Commons a Bill suggested' as 'The Opposition Parties would not publicly support it, and some of the Government's supporters would not favour it'.⁵⁸ It was therefore suggested that 'The introduction of such a Bill would seriously dislocate the Parliamentary

⁵⁶ CC(55) 3rd conclusions, minute 6, 13 Jan 55, CAB128/28.

⁵⁷ CC(55) 3rd conclusions, minute 6, 13 Jan 55, CAB128/28.

⁵⁸ CC(55) 3rd conclusions, minute 6, 13 Jan 55, CAB128/28.

programme for the current session'.⁵⁹

As these arguments showed, the most important point was whether the Bill could gain as large public support as those who claim legislation believed. From this perspective, it was suggested that public opinion might be influenced in favour of legislation by giving more publicity on similar legislation of other Commonwealth governments. The Cabinet accepted this idea and decided to produce a White Paper. The content of publicity was agreed to be 'the restrictions already applicable to the entry of British subjects into all the other independent Commonwealth countries and into most Colonial territories'.⁶⁰

Moves to influence public and Parliamentary opinions were accordingly expanded. The Defence Minister (Harold Macmillan), though not fully content with the Cabinet decision as he thought it insufficient, sent a letter on the following day, 14 January, to the Deputy Prime Minister (Anthony Eden) and proposed that discussions on Commonwealth immigration should be started in the House of Lords, and then in the Commons and see 'the parliamentary and press attitude to the problem'.⁶¹

The draft of the White Paper about the existing restrictions on the entry of British subjects into other Commonwealth countries was submitted to the Cabinet meeting on 17 February (CC(55)15th). The draft White Paper revealed that 'in some Commonwealth countries, steps were taken to exclude British subjects who were not of European origin by administrative methods which lacked the support of any

⁵⁹ CC(55) 3rd conclusions, minute 6, 13 Jan 55, CAB128/28.

⁶⁰ CC(55) 3rd conclusions, minute 6, 13 Jan 55, CAB128/28.

⁶¹ H. Macmillan, Defence Minister, to A. Eden, Deputy Prime Minister, 14 Jan 55, PREM11/824. Macmillan thought that 'legislation is hopeless unless it were agreed between all parties' and therefore that 'The problem ought to be "ventilated"' (H. Macmillan, Defence Minister, to A. Eden, Deputy Prime Minister, 14 Jan 55, PREM11/824).

statutory authority'.⁶² The White Paper was intended to be published in order to justify UK legislation on entry. However, it was pointed out in the Cabinet that the other Commonwealth governments concerned might not welcome disclosure of this fact. The publication of the White Paper was decided later (CM(55)14th, 14 June 1955) to be suspended because of this concern.⁶³ However, measures to influence Parliamentary and public opinions were continued to be sought.

The Eden Cabinet and a plan of a public enquiry

In April 1955 Churchill resigned as Prime Minister ahead of the coming general election. Anthony Eden, the Deputy Prime Minister and Foreign Secretary, succeeded to the post (6 April). Most of the Cabinet members concerned with Commonwealth immigration retained their posts namely: the Marquess of Salisbury (Lord President), Gwilym Lloyd-George (Home Secretary), Alan Lennox-Boyd (Colonial Secretary), Walter Monckton (Minister of Labour) and Norman Brook (Cabinet Secretary). The only significant change concerned was the appointment of the Earl of Home, who had been Minister of State of Scottish Office, as Commonwealth Secretary. He replaced the retiring Viscount Swinton.

The Eden Cabinet inherited the problems of the Churchill Cabinet. As far as the matter about Commonwealth immigration was concerned, the final decision needed to be made as to whether the Commonwealth Immigrants Bill should be introduced to Parliament or not. A further increase of the rate of immigration had been recorded. By this time, it had been estimated that those coming from the West Indies in 1955 may well reach 20,000, as compared with some 10,000 in 1954, and some 2,000 in 1953.

⁶² C(55)34, 14 Feb 55, CAB129/73; CC(55) 15th conclusions, minute 4, 17 Feb 54, CAB128/28.

⁶³ CM(55) 14th conclusions, minute 4, 14 Jun 55, CAB128/29; CI(56)1, 10 Feb 56. CAB134/1210.

On 3 May the draft Commonwealth Immigrants Bill was at last submitted to the Cabinet meeting (CM(55)9th). Social aspects had come to be emphasised more than ever. As the number of immigrants increased, concern about social problems increased in the Home Office. The Home Secretary (Gwilym Lloyd-George) had confirmed the view that 'There is no means of controlling this influx without legislation'.⁶⁴ His memorandum which introduced the draft Bill to the Cabinet read that, though 'immigrants are still experiencing little difficulty in finding work', 'The main practical problems are in the field of housing and public health: they tend to congregate and live in overcrowded conditions which it is beyond the resources of the housing authorities concerned to alleviate'.⁶⁵

At this time the general election due in three weeks time was the highest priority of the new government. The Conservative Party was expected to win the election. Under these circumstances the Home Secretary recommended the Cabinet to make decision quickly on two points. Firstly, a fact-finding committee should be appointed, instead of a committee representing public opinion, the appointment of which had been rejected in a past Cabinet meeting. Secondly, government's intention towards legislation should be clarified as the Conservative Party's position in the election campaign.

Gaining more support from the public was still held to be essential for legislation. The Home Secretary for his part stuck to the idea to consult a non-governmental enquiry. He suggested that, 'before taking any decision about whether or not there should be legislation, it would be well to have the report of a committee of inquiry'.⁶⁶ He was thinking that the controversies which would be raised as

⁶⁴ CP(55)32, 10 Jun 55, CAB129/75, p.1.

⁶⁵ CP(55)16, 2 May 55, CAB129/75, p.1.

⁶⁶ CP(55)16, 2 May 55, CAB129/75, p.1. The Home Secretary, however, also stated in the Cabinet meeting that, even if a committee was set up, 'the announcement would be most undesirable' as it is 'a sudden change' from the decision to turn down another committee and it might 'alarm those

regards the Bill 'would be reduced if it were possible to base the legislation on the recommendations of an impartial Committee' and that an independent body would merit to give the Cabinet the public authorisation to legislation.⁶⁷ The role of the non-governmental committee was, as the Cabinet Secretary (Norman Brook) minuted to the Prime Minister (Anthony Eden) a short while later on 14 June, not 'to find a solution', but apparently 'to enlist a sufficient body of public support for the legislation'.⁶⁸

However, as far as the announcement of the Conservative Party position towards legislation was concerned, the issue related to Commonwealth immigration was thought to be too controversial to be raised in its crude form during the election campaign. A senior Cabinet member, Viscount Kilmuir (David Maxwell-Fyfe), who had been involved in this issue since he was Home Secretary, was in particular cautious. He took the position in the background of the Cabinet that 'It should be suffice for members of the Government to say, during the election campaign, that this might be a suitable subject for some form of public enquiry'.⁶⁹ The Cabinet at last agreed that 'the Government should avoid any definite commitment at this stage' and decided to shelve the issue until after the election.⁷⁰ The possibility of public enquiry was not, however, in any sense ruled out. Rather all Conservative candidates were instructed to answer during the election campaign that: 'The Government have been watching the situation most carefully. This is not a matter which should be allowed to become an issue of Party controversy. My own view is

who are against restrictions' (CP(55)16, 2 May 55, CAB129/75, p.3).

⁶⁷ CP(55)32, 10 Jun 55, CAB129/75, p.2.

⁶⁸ N. Brook, Cabinet Secretary, to A. Eden, Prime Minister, 14 Jun 55, PREM11/824.

⁶⁹ Viscount Kilmuir, Lord Chancellor, to A. Eden, Prime Minister, 6 May 55, PREM11/824: 74; cf. Lamb, *The Failure of the Eden Government*, pp.15-6.

⁷⁰ CM(55) 9th conclusions, minute 5, 3 May 55, CAB128/29.

that the best course might be to hold a full inquiry to bring out all the facts'.⁷¹

As was expected, the general election brought no change in administration. The Conservative Party gained a comfortable majority of 60. Soon after the election, the Home Secretary sent a memorandum to the Cabinet and reminded them of the necessity of legislation. He proposed again to set up a committee consisting of non-governmental members. The terms of reference of the committee were proposed in his memorandum: 'To consider and report whether, having regard to the importance of maintaining the traditional ties between this country and other parts of the Commonwealth, any and, if so, what changes in the law relating to the admission to the United Kingdom of British subjects from overseas, or any class of them, and to their subsequent stay in the United Kingdom, are necessary or desirable in the national interest and in the interest of the immigrants themselves'.⁷²

This proposal, however, received a frosty welcome. At the Cabinet meeting on 14 June (CM(55)14th), it was attacked both from those in favour of and against legislation. As regards the proposed terms of reference, those who opposed legislation pointed out that it 'might give the impression that the need for restrictive legislation was taken for granted'. It was further argued that 'The first purpose of an enquiry should be to ensure that the public throughout the country were made aware of the nature and extent of the problem: until this was more widely appreciated the need for restrictive legislation would not be recognised'.⁷³ Substantial objection was made from those in favour of legislation. They claimed that 'it could not be certain that the Committee's report would be such as to rally public opinion in support of restrictive legislation'.⁷⁴ It was proposed, instead, that 'an authoritative

⁷¹ Viscount Kilmuir, Lord Chancellor, to A. Eden, Prime Minister, 6 May 55, PREM11/824: 74; cf. Lamb, *The Failure of the Eden Government*, pp.15-6.

⁷² CP(55)32, 10 Jun 55, CAB129/75, p.2

⁷³ CM(55) 14th conclusions, minute 4, 14 Jun 55, CAB128/29.

⁷⁴ CM(55) 14th conclusions, minute 4, 14 Jun 55, CAB128/29.

statement of the increasing volume of immigration, and of the social and economic problems to which it was likely to give rise, might prove a better basis for action'.⁷⁵

Pressed by the latter arguments, the Cabinet was to reject the idea to set up a committee of independent members. Instead it was decided to set up an inter-departmental committee of civil servants. The Home Secretary was instructed to arrange for a committee 'to prepare, in a form suitable for publication, a report on the growing influx into the United Kingdom of coloured workers from other Commonwealth countries and of the social and economic problems to which this was giving rise'.⁷⁶

Civil servants' enquiry on social and economic problems

This time the official committee was instructed to examine the social and economic consequences of immigration. The enquiry also had the purpose of publicising the necessity of legislation and thus justifying the change of government policy. However, against the expectations of some ministers, the enquiries were to discover few problems regarding immigration which would justify legislation on entry.

Based on the Cabinet conclusion, the Home Office made an enquiry to other departments about reassembling the previous official committee under Home Office chairmanship.⁷⁷ The proposal suggested that the National Assistance Board, the Ministry of Housing and Local Government and the Ministry of Health should be added to the committee. With the acceptance by other departments of the terms of reference and the composition, the new official committee was announced. In addition to the departments present at the CWP(2) - Home Office, Colonial Office,

⁷⁵ CM(55) 14th conclusions, minute 4, 14 Jun 55, CAB128/29.

⁷⁶ CM(55) 14th conclusions, minute 4, 14 Jun 55, CAB128/29.

⁷⁷ *cf.* Frank Newsam, Permanent Under-Secretary, HO, to Gilbert Laithwaite, Permanent Under-Secretary, CRO, 22 Jun 55, DO35/5218.

Commonwealth Relations Office, Ministry of Labour and National Service, Ministry of Transport and Civil Aviation, Scottish Home Department, four social service departments - National Assistance Board, Ministry of Health, Ministry of Housing and Local Government, and Department of Health for Scotland - were invited. W. H. Cornish, an Assistant Under-Secretary, Home Office, was again decided to take chair.⁷⁸ Lasting until 1962 this official committee was to play a central role in introducing the 1962 Commonwealth Immigrants Act.

This official committee was named "Working Party to Report on the Social and Economic Problems Arising from the Growing Influx into the United Kingdom of Coloured Workers from Other Commonwealth Countries" (code CWP(3)). Unlike the previous two Home Office official committees, which discussed the measures to restrict employment in the UK (CWP, 1953) and the possibility of legislation on entry and deportation (CWP(2), 1954), the social and economic situation was the main issue to be considered in the CWP(3). The economic situation which had been little surveyed until then, was for the first time included in the agenda and, importantly, the Ministry of Labour, which had been placed at the periphery in government discussions of the early 1950s, was to return to the central place through the enquiry of this aspect.

As far as social aspects were concerned, civil servants had a shared view namely that: 'housing was the most serious of the social consequences of

⁷⁸ CWP(3)(55)1, 6 Jul 55, CO1032/121, DO35/5218. The terms of reference of the working party was: Whether any, and if so what, administrative or social problems arise from the immigration into the United Kingdom of persons from other parts of the Commonwealth and the Republic of Ireland; What administrative measures would be feasible if any control over the entry and settlement of such persons were thought necessary; What interference with the traditional ties between this country and other parts of the Commonwealth would be involved in any such measures. (CWP(3)(55)1, 6 Jul 55, CO1032/121, DO35/5218)

immigration'.⁷⁹ Their observation was that 'those parts of the country where the need for labour was greatest and to which the immigrants tended to flow are those which already have housing problems, which are aggravated by the arrival of coloured people'.⁸⁰ Meanwhile as regards economic conditions, the Ministry of Labour's employment statistics showed that the number of unemployment was small and 'in the main the periods of unemployment were very short'.⁸¹ Therefore the view of the Ministry was that: 'On economic grounds immigration, including Colonial immigration, was a welcome means of augmenting our labour resources. It was the condition of full employment here that was attracting these immigrants'.⁸² Encouraged by the good economic performance and employment situation, the Ministry of Labour, whose view on Colonial immigration had not been established, was shifting towards opposing legislation. This view was in fact shared by another economic departments, the Board of Trade, though it was not invited in the CWP. The Board of Trade took the view that the West Indian immigrants were a useful help to the British industry.⁸³

In the discussions at the CWP(3), differences among the Departments concerned were again emphasised. As proposed in the draft Commonwealth Immigrants Bill, the Home Office had raised the possibility of adopting the

⁷⁹ CWP(3)(55) 1st meeting, 15 Jul 55, CO1032/121, DO35/5218, para.9.

⁸⁰ CWP(3)(55) 1st meeting, 15 Jul 55, CO1032/121, DO35/5218, para.9. The Colonial Office claimed poor housing condition lay in a background of racial tension (CWP(3)(55) 2nd meeting, 27 Jul 55, CO1032/121, DO35/5218, para.8). The Ministry of Housing had a different view: 'the fact that the immigrants were coloured made it more difficult to overcome difficulties normally attendant on the immigration of persons accustomed to different standards of living' (CWP(3)(55) 2nd meeting, 27 Jul 55, CO1032/121, DO35/5218, para.8).

⁸¹ CWP(3)(55) 2nd meeting, 27 Jul 55, CO1032/121, DO35/5218, para.6.

⁸² CM(55) 39th conclusions, minute 7, 3 Nov 55, CAB128/29.

⁸³ Lamb, *The Failure of the Eden Government*, p.23.

employment permit and the housing certificate as measures of control.⁸⁴ The Ministry of Housing was sceptical of the housing certificate system. The Ministry contended that the proposed system could be abused and 'could lead to embarrassing demands from employers anxious to import labour', and, moreover, that local authorities would not undertake work on housing certificates.⁸⁵ As regards the desirability of legislation, the Commonwealth Relations Office kept the view that 'the right of access, particularly for business and educational purposes, is most important for the maintenance of good Commonwealth relations'.⁸⁶ In contrast, the Home Office, which had consolidated a view based on social concerns by this enquiry, was of the opinion that 'uncontrolled immigration might lead to a situation which would exacerbate feelings between members of the Commonwealth in any event'.⁸⁷ The Colonial Office came to stand in-between and had toned down its intention to promote legislation. Its view expressed in the committee was that: 'the essential purpose of legislation would be to regulate entry rather than to prohibit it and that regulation was not necessarily inconsistent with free movement within the Commonwealth'.⁸⁸

The CWP(3) produced two papers (dated 3 August 1955) for different purposes - the draft of a government statement and the report to the Cabinet. The views expressed in these papers were in general the summary of discussions which had been held for long within the government. The draft statement was produced so as to influence public opinion towards accepting legislation. It contended that employment, public order and relations with the public had resulted in few problems, but a shortage in accommodation was acute so that it might lead to

⁸⁴ CWP(3)(55)3, 6 Jul 55, CO1032/121, DO35/5218, para.11.

⁸⁵ CWP(3)(55) 2nd meeting, 27 Jul 55, CO1032/121, DO35/5218, para.14.

⁸⁶ CWP(3)(55) 2nd meeting, 27 Jul 55, CO1032/121, DO35/5218, para.12.

⁸⁷ CWP(3)(55) 2nd meeting, 27 Jul 55, CO1032/121, DO35/5218, para.12.

⁸⁸ CWP(3)(55) 2nd meeting, 27 Jul 55, CO1032/121, DO35/5218, para.12.

problems related to race. Based on these observations, civil servants recommended that control of immigration could be introduced based on accommodation and employment.⁸⁹

The Cabinet discussed these papers in its meeting on 15 September (CM(55)31st). However, the general view of the Cabinet members on the draft statement was that the analysis of the situation in the draft statement was so neutral that it would be of no use for the original purpose, *i.e.* to influence public opinion. The Home Secretary (Gwilym Lloyd-George) expressed his impression on the statement that it 'was an objective statement which . . . would not lead to a demand for legislation to restrict immigration; nor on the other hand would it preclude the Government from introducing such legislation or taking other action if this were later decided to be necessary'.⁹⁰ This meant in other words that, as the Home Secretary admitted, 'Generally speaking, Colonial immigration was not an acute problem at the moment'.⁹¹ In consequence the Cabinet concluded that 'the publication of the statement . . . would not serve any useful purpose at the present time', and agreed 'first to decide whether any action to restrict Colonial immigration was necessary, and if so what form it should take'.⁹²

Nevertheless, the Cabinet discussion in general went again at the pace of hardliners. The Lord President (the Marquess of Salisbury) expressed 'a serious view of the dangers of uncontrolled Colonial immigration and was anxious that the Cabinet should consider practical proposals for dealing with this matter'.⁹³ He strongly demanded to circulate the draft Bill again in the Cabinet as a basis for further discussion. The Cabinet accepted his suggestion and decided to circulate the

⁸⁹ Draft Statement, attached to CP(55)102, 18 Aug 55, CAB129/77.

⁹⁰ CM(55) 31st conclusions, minute 4, 15 Sep 55, CAB128/29.

⁹¹ CM(55) 31st conclusions, minute 4, 15 Sep 55, CAB128/29.

⁹² CM(55) 31st conclusions, minute 4, 15 Sep 55, CAB128/29.

⁹³ CM(55) 31st conclusions, minute 4, 15 Sep 55, CAB128/29.

draft Bill.

3. Change in the Positions of Civil Servants

The positions of the Colonial Office and the Ministry of Labour

The stance of the government on Commonwealth immigration was, however, changing. As the Home Secretary's comment in the Cabinet meeting showed, that the general view of the Cabinet was shifting towards rejecting legislation. The civil servants' enquiry in the CWP(3) had begun to bring a change in view at ministerial level.

The department which was consistently and most strongly resisting legislation on entry was the Commonwealth Relations Office. At the above Cabinet meeting on 15 September, the Commonwealth Secretary (the Earl of Home) strongly tried to reverse the directions in Cabinet discussions which had been pressed by hardliners, though it resulted in failure as shown above. At the same time as the two papers from the CWP(3), the Commonwealth Relations Office for its part had sent a memorandum to the Cabinet (CP(55)113, dated 30 August 1955), which re-emphasised Department's opposition to legislation. Firstly, referring mainly to India and Pakistan, the memorandum claimed it politically impossible to 'legislate for a "colour bar"' and to 'take any action which would give the impression that citizens from India, Pakistan and Ceylon are less favourably treated than citizens from the older Commonwealth countries'. This might raise political reactions from these countries which would result in the introduction of 'retaliatory restrictions against the entry or residence of members of the British business community' in those countries. Therefore 'any legislation would have to be non-discriminatory in form'. Secondly, referring to the old Commonwealth countries, the memorandum

also claimed that 'we do not wish to keep out immigrants of good type from the "old" Dominions, and indeed "two-way immigration" is a policy to which we have always subscribed'.⁹⁴

The Commonwealth Relations Office hoped to maintain the current policy in which immigration was managed through voluntary restriction on emigration by the other Commonwealth governments rather than UK legislation. In the same memorandum it was revealed that the Indian government was 'genuinely ready to do what they can to stop immigration of this type [working-class Indians]' and the Pakistani government was likely to follow this.⁹⁵

Opposition to legislation became in fact more apparent by the next Cabinet meeting on this issue, in which the draft Bill would be submitted. The stance of the Colonial Office was also shifting towards opposing legislation. Firstly, with strong resistance from the Commonwealth Relations Office, the Colonial Office began to worry about the possibility that the subject of immigration control might be limited only to the people from the Colonies. This would entail the risk of the legislation being taken as discrimination on colour, the legal balance with the status of the citizens of the independent Commonwealth countries and the sudden exemption from control on independence. The Colonial Office confirmed that legislation on entry was difficult with disregarding the firm opposition by the Commonwealth Relations Office. Secondly, a new, more important, factor against legislation was emerging. The plan of a West Indian Federation was looming large in the thinking of the Colonial Office. Territories of the West Indies were due to form a West Indian Federation in January 1958. The Federation would be composed of Barbados, Jamaica, the Leeward Islands (Antigua, Montserrat and St Christopher-Nevis-Anguilla), Trinidad and Tobago, and the Windward Islands (Grenada,

⁹⁴ CP(55)113, 30 Aug 55, CAB129/77.

⁹⁵ CP(55)113, 30 Aug 55, CAB129/77.

Dominica, St Lucia and St Vincent).⁹⁶ This was supposed to be the first step for peaceful independence of this area in the future. In fear of adverse effects on this plan, the Colonial Office's opposition to legislation on entry was getting clearer.

Similarly important was the position of the Ministry of Labour. As a result of the investigations of the CWP(3), economic factors had been added to oppose the introduction of legislation. Through this enquiry, the Ministry of Labour had resumed its position within the civil servant discussion. And as expressed in the discussion, the Ministry was opposed to legislation on entry.

Therefore by the time the draft Commonwealth Immigrants Bill was circulated for the second time to the Cabinet in its meeting on 3 November (CM(55)39th), three of the four main departments concerned with the issue - Commonwealth Relations Office, Colonial Office and Ministry of Labour - had turned to feel legislation on entry difficult in its current form. It was true that in the Cabinet meeting the Lord President, and to a lesser extent the Home Office, were supporting legislation on entry; however it was no longer practical to push forward legislation against the objections of these three Departments. Accordingly, in the Cabinet meeting, the Prime Minister (Anthony Eden) rejected to introduce the Bill to Parliament. He commented that 'further thought must be given to this problem before the Cabinet could decide whether legislation should be introduced'.⁹⁷

The official committee established by ministers in order to justify legislation on entry caused ironically the ministers to give up such legislation. The CWP(3), which was ordered to examine economic aspects as well as social ones, concluded that economically the employment of migrants resulted in few problems and actually was an asset to the economy. The Ministry of Labour resuming its place in

⁹⁶ J. D. B. Miller, *The Commonwealth in the World* (London, Gerald Duckworth, 3rd ed., 1965), p.230.

⁹⁷ CM(55) 39th conclusions, minute 7, 3 Nov 55, CAB128/29.

the civil servants' discussions opposed legislation. The Colonial Office reversed its position also to oppose legislation due to the difficulty of compromising with the Commonwealth Relations Office and also so as not to undermine the plan of the West Indian Federation. Political pressure at ministerial level was thus rejected so that the Cabinet hardliners became isolated.

Set up of the ministerial committee CI

Constitutionally, however, it was necessary to create a formal consensus among the ministers concerned. A forum of discussion by the ministers needed to be prepared. A week after the Cabinet meeting of 3 November, the Cabinet Secretary (Norman Brook) minuted and recommended to the Prime Minister to set up a ministerial committee. He stated that the Cabinet meeting on 3 November 'was the fifteenth time that the Cabinet have considered problem, without being able to reach conclusion'. The Cabinet Secretary proposed to avoid 'further discussion for a time' in the Cabinet and, instead, to appoint a ministerial committee 'to consider what form the legislation should take if it were decided to take powers to control this immigration' and 'how this legislative action could best be justified'.⁹⁸

This proposal was duly accepted. The Prime Minister announced to the Cabinet the decision to set up a ministerial committee.⁹⁹ The committee was named the "Committee on Colonial Immigrants" (code CI). Its terms of reference were determined as follows: 'To consider what form legislation should take, if it were to be decided that legislation to control the entry into the United Kingdom of British subjects from overseas should be introduced; to consider also the intended effect of such legislation upon actual immigration, how any such control would be justified

⁹⁸ Norman Brook, Cabinet Secretary, to Anthony Eden, Prime Minister, 10 Nov 55, PREM11/2920.

⁹⁹ CP(55)180, 20 Nov 55, CAB129/78.

to Parliament and the public, and to the Commonwealth countries concerned; and to report to the Cabinet.¹⁰⁰ The four main departments were represented in the Committee - Home Secretary (Gwilym Lloyd-George), Commonwealth Secretary (the Earl of Home), Colonial Secretary (Alan Lennox-Boyd), Minister of Labour (Iain Macleod, who was to replace Walter Monckton on 23 December 1955). The Lord President (the Marquess of Salisbury), the Lord Chancellor (Viscount Kilmuir) as chairman and Attorney-General (Reginald Manningham-Buller) were also present.¹⁰¹ However, with three of the four main Departments had conformed a negative view on legislation, there remained little possibility that legislation was promoted even in a political manner.

In this ministerial discussion, a draft report to the Cabinet was submitted from the Chairman at the second meeting (CI(56)2nd, 25 April 1956). Prepared by the Cabinet Office secretaries of the Committee, this draft report contained new proposals and, on the whole, maintained harder views on Commonwealth immigration than those of the official committee CWP(3). Firstly, as regards the social and economic situations, housing was, like the CWP(3), pointed out as the largest problem.¹⁰² However the Cabinet Office draft report showed a different view on employment from that of the CWP(3). On the one hand it confirmed the view that 'coloured immigrants have recently been making a useful contribution to the labour force' and 'Indeed, during 1955 the arrival of drafts of immigrants to fill low-paid manual jobs helped to ease rather than to exacerbate the labour situation'.¹⁰³ On the other hand, it showed an anxiety namely: 'In view of a slight decline in the intensity of the demand for labour in recent months . . . it is no longer

¹⁰⁰ CI(55)1, 7 Dec 55, CAB134/1210.

¹⁰¹ Viscount Kilmuir, Lord Chancellor, formally came back to the discussion of the issue. He had been a Home Secretary in the Churchill Cabinet and opposed legislation at that time.

¹⁰² CI(56)2, 19 Mar 56, CAB134/1210, para.8.

¹⁰³ CI(56)2, 19 Mar 56, CAB134/1210, para.8.

so easy to place West Indian immigrants in employment as it has been, and there is some reason to think that the proportion of unemployment among West Indians already in this country may be increasing'.¹⁰⁴

Secondly, as regards measures for restriction, the Cabinet Office draft report proposed different sets of measures from those in the CWP(3)'s conclusion. These were the housing test and the quota system. Housing was recommended as it was considered to be more effective in controlling immigration than job.¹⁰⁵ It was considered that, in full employment, as it actually was at the time, the employment test would not be effective.¹⁰⁶ However, it was also claimed that, in the case of the housing test, 'the effective sanction would be in the hands of the local authorities; and its value in the broader national interest would consequently depend on the Government and the local authorities taking the same view of the problem at any given time'.¹⁰⁷ The introduction of a quota on the total number of immigrants was therefore suggested in order to compensate for these weaknesses of the housing test.¹⁰⁸

Finally the Cabinet Office draft report clearly concluded that 'the control might be justified for the following grounds'. These were housing, population density, reference to the government's power of other countries, and the past history of sudden increase in immigration.¹⁰⁹ Deportation was also recommended as a corollary of entry restriction.¹¹⁰

Despite the harsher views expressed in the Cabinet Office draft report, the

¹⁰⁴ CI(56)2, 19 Mar 56, CAB134/1210, para.8.

¹⁰⁵ CI(56)2, 19 Mar 56, CAB134/1210, paras.13-5.

¹⁰⁶ CI(56)2, 19 Mar 56, CAB134/1210, para.13.

¹⁰⁷ CI(56)2, 19 Mar 56, CAB134/1210, para.16.

¹⁰⁸ CI(56)2, 19 Mar 56, CAB134/1210, para.16.

¹⁰⁹ CI(56)2, 19 Mar 56, CAB134/1210, para.19.

¹¹⁰ CI(56)2, 19 Mar 56, CAB134/1210, para.15.

general view of the government had already shifted to opposing legislation. The draft report which disregarded the discussions of the four main departments were allowed little room to influence the discussion of the Ministerial Committee. At the meeting of the ministerial committee CI on 25 April 1956 (CI(56)2nd), the idea of the housing certificate was opposed from the Minister of Labour (Iain Macleod). He claimed that 'the test might go much further than was intended in imposing an effective prohibition on immigration, instead of simply controlling it'.¹¹¹ It was therefore argued that 'it might be better to rely from the start on a quota as the method of control'.¹¹² The quota system was also opposed from the Commonwealth Secretary (the Earl of Home): it 'would be an innovation which would not be welcomed by Commonwealth countries; it would be discriminatory as between one Commonwealth territory and another; it would have to be approved by Parliament by affirmative resolution which would be subject to critical debate, and the apportionment of the quota as between different Commonwealth countries would present embarrassing problems'.¹¹³ The general view of the Committee on the measures of control was that 'Public opinion . . . would be less critical of . . . the housing test' than a quota system.¹¹⁴ The Committee therefore concluded that, in their report to the Cabinet, they will 'give greater weight' to the arguments against using a quota system as the basis of control.¹¹⁵

On the point as to whether the time had come to introduce legislation, the Committee rejected early action. Legislation was opposed from the economic merit of immigration, the importance of traditional ties with the Commonwealth and the position of anti-discrimination. The economic perspective was in particular

¹¹¹ CI(56) 2nd meeting, 25 Apr 56, CAB134/1210, p.2.

¹¹² CI(56) 2nd meeting, 25 Apr 56, CAB134/1210, p.2.

¹¹³ CI(56) 2nd meeting, 25 Apr 56, CAB134/1210, p.2.

¹¹⁴ CI(56) 2nd meeting, 25 Apr 56, CAB134/1210, p.2.

¹¹⁵ CI(56) 2nd meeting, 25 Apr 56, CAB134/1210, p.3.

emphasised: 'the immigrants would not come if there was no work' and 'From the economic point of view the nation had benefited up to the present from the arrival of coloured workers'.¹¹⁶ Moreover, it was pointed out public support for legislation 'would not be forthcoming at present and could not be expected'.¹¹⁷ There was no way to promote legislation any further. The Lord President was the only member in the Committee who remained in favour of legislation. He claimed that 'if no control were imposed now, we might be faced with the need for urgent action when it had already become too late'.¹¹⁸ The Committee, however, duly concluded that 'steps to impose control would not be justified at present'. Ministerial discussion on the legislation on the Commonwealth immigration since November 1952 at last reached a conclusion, and it was that the issue should be shelved for the time being.

However, the view proclaimed by the Lord President was not rejected totally. In fact other ministers in the Committee also shared a fear about immigration in the future. This fear expressed in the meeting was that 'Clearly we could not absorb all the coloured immigrants who wish to come here; and eventually this immigration would give rise to problems which would be disproportionate to the difficulties and objections to be faced in enacting legislation to control it'.¹¹⁹ Ministers, therefore, decided to report to the Cabinet that, as 'there seemed little doubt that some form of control would become necessary in the long run', 'The situation would . . . need to be kept under regular review and should be remitted for further examination in about a year's time'.¹²⁰ These conclusion in the ministerial committee CI was approved in the Cabinet meeting on 11 July

¹¹⁶ CI(56) 2nd meeting, 25 Apr 56, CAB134/1210, p.4.

¹¹⁷ CI(56) 2nd meeting, 25 Apr 56, CAB134/1210, p.5.

¹¹⁸ CI(56) 2nd meeting, 25 Apr 56, CAB134/1210, p.4.

¹¹⁹ CI(56) 2nd meeting, 25 Apr 56, CAB134/1210, p.4.

¹²⁰ CI(56) 2nd meeting, 25 Apr 56, CAB134/1210, p.5.

(CM(56)48th).¹²¹

Control on immigration from the Irish Republic and the quota system

Early legislation was thus rejected. However, two issues were left for discussion in view of future legislation. These were concerned respectively with the treatment of immigration from the Irish Republic and the quota system. The former was decided to be carried out in the ministerial committee CI, while the latter at the civil servant level.

In the same Cabinet meeting on 11 July, it was pointed out that, in case legislation became necessary, justification for making an exception for Irish citizens needed to be considered further. Application of control to Irish citizens had been discussed already on various occasions. The CWP(3) had reported in its report the previous year (dated 3 August 1955) that the control would be impractical. Therefore the Home Secretary's memorandum dated 18 September which was submitted to the ministerial committee CI (CI(56)5) basically followed the lines of previous discussions. A control over the land border between the Irish Republic and Northern Ireland would not to be a practical proposition 'since it would be virtually impossible to enforce it'.¹²² Moreover Irish labour was 'a valuable source of manpower for industries and services in Great Britain'.¹²³ The inclusion of Irish citizens in any measure of immigration control would 'seriously impede the flow of labour and would necessitate the creation of an expansive administrative machine to handle the traffic'.¹²⁴ In the CI meeting on 4 October (CI(56)3rd), ministers approved these views concerning the difficulty of controlling Irish immigration.

¹²¹ CM(56) 48th conclusions, minute 10, 11 Jul 56, CAB128/30/pt.2.

¹²² CI(56)5, 18 Sep 56, CAB134/1210, p.1.

¹²³ CI(56)5, 18 Sep 56, CAB134/1210, p.2.

¹²⁴ CI(56)5, 18 Sep 56, CAB134/1210, p.2.

Still, in the Cabinet meeting on 20 November (CM(56)85th), some ministers claimed that 'it would be difficult to justify according exceptional treatment to citizens of the Irish Republic if the entry of British subjects had eventually to be controlled'.¹²⁵ Consequently the Cabinet shelved the decision on this issue once again.

Regarding the quota system, the sceptical mood had further increased behind the scenes. The Home Secretary as well as the Colonial Secretary showed their reservation.¹²⁶ In their report to the Cabinet in June 1956, the Committee had recommended that a quota system should be considered in detail at the civil servant level.¹²⁷ The CWP(3) was reconvened after an interval of one year. By this time, K. B. Paice had replaced W. H. Cornish as Assistant Under-Secretary of the Home Office responsible for immigration (Aliens and Nationality Division) and thus the Chairman of the CWP(3). Civil servants were also doubtful about the quota system. The scheme was thought to have more disadvantages than advantages. It was considered to 'inevitably reveal discrimination against coloured people'.¹²⁸ The Commonwealth Relations Office was opposed to impose a quota on immigrants from India and Pakistan, while the Colonial Office worried that quotas, if introduced, would be discriminatingly small for the West Indies.¹²⁹ Practical difficulties were also expected, such as the measures for Irish citizens, the issue of consistency with the legislation on aliens, and administrative costs. For these reasons civil servants at the CWP(3) agreed that 'the quota system . . . was

¹²⁵ CM(56) 85th conclusions, minute 8, 20 Nov 56, CAB128/30/pt.2.

¹²⁶ G. Lloyd-George, Home Secretary, to Viscount Kilmuir, Lord Chancellor, 26 May 56, CO1032/121, DO35/5219; The Earl of Home, Commonwealth Secretary, to Viscount Kilmuir, Lord Chancellor, 6 Jun 56, CO1032/121, DO35/5219.

¹²⁷ CP(56)145, 20 Jun 56, CAB129/81, para.16.

¹²⁸ CWP(3)(56) 1st meeting, 18 Sep 55, CO1032/121, DO35/5219, para.5.

¹²⁹ CWP(3)(56) 1st meeting, 18 Sep 55, CO1032/121, DO35/5219, paras.5-6.

misconceived and would be extremely difficult to administer'.¹³⁰ Moreover civil servants were sceptical even about the necessity of the scheme. They thought it was doubtful 'whether any undesirable social consequences of immigration . . . would be sufficiently serious to justify the imposition of quotas on selected categories of immigrants' and that in the foreseeable future 'no situation was likely to arise which could not be effectively dealt with by the [labour] permit system'.¹³¹

According to the lines of the discussion in the CWP(3), a draft report to ministers was produced by the Home Office, which was then added slight revisions on bilateral negotiation basis between departments concerned. This issue was not, however, to be discussed further until April 1956 under the new administration led by Harold Macmillan.

* * *

From 1954 immigration from the West Indies accelerated. Strong political pressure was exerted on discussions within the government. In the course of these discussions the differences in discourses between the ministerial and civil servants' levels became evident.

At ministerial level various measures were initiated in order to influence public opinion and thus to justify legislation. Two non-governmental committees of enquiry were proposed by the Home Secretary and, at last, civil servants were made to investigate the social and economic problem in the new official committee. However their enquiry proved useless for the intention of some ministers who wanted to justify the change of policy and facilitating legislation. The civil servants' enquiry showed that the problems were not so serious as to change policy.

¹³⁰ CWP(3)(56) 1st meeting, 18 Sep 55, CO1032/121, DO35/5219, para.4.

¹³¹ CWP(3)(56) 1st meeting, 18 Sep 55, CO1032/121, DO35/5219, para.3.

Meanwhile ministerial discussions had been repeated fruitlessly due to internal differences in views. To break the impasse, the Cabinet set up the ministerial committee of standing nature for the first time on this issue. It was unlikely that the decision would be made to introduce legislation in the ministerial committee. However, this committee was necessary in order to defuse the pressure from the Lord President.

Political pressure, exerted by the Lord President in particular, did not find an echo at the civil servant level. There were intensive discussions at the civil servant level in this period. It is important to note that these discussions by civil servants were to set the framework for later discussions within the government at least two ways. Firstly, the enquiry of social and economic problems brought new perspectives into the assessment of the situation. Their investigation established the viewpoints for future discussions about the policy in this field. The enquiry resulted in directing and fixing policy makers' attention on the social situation of immigrants. The economic situation, which had drawn little attention by then, was also put on the formal government agenda on immigration policy for the first time. Secondly, concrete measures for future legislation were formulated. A Bill was drafted, which contained many provisions which would be enacted in the Commonwealth Immigrants Act of 1962. Main among these were: application of the provisions to the whole Commonwealth, exemption of control of those who "belong" to the UK, and exemption of Irish citizens from entry control while subjection to deportation.

In this period from 1954 to 1956, the stance of major departments changed for reasons of their own. Social consequences of the marked increase in immigration came to worry the Home Office more strongly than before. The Department under its new Secretary of State, Lloyd-George, changed its stance to supporting legislation.

There was a dramatic change in the stance of the Colonial Office in 1955 from supporting legislation to opposing it. External relations worked as a brake for hasty legislation. The proposed West Indian Federation became particularly important for the Colonial Office after 1955. The Ministry of Labour also confirmed its position to oppose legislation. Attention to economic considerations also worked to deter the pressure of early legislation in view of the good economic situation and the shortage of labour. The Commonwealth Relations Office kept its objections to legislation. As three of the four major departments concerned with Commonwealth immigration were opposed to legislation on entry, the possibility of early legislation was ruled out.

In this period, political pressure motivated the discussion within the government, however civil servants deterred early legislation. It was clearly apparent that there were two distinct areas of debate, one taking place among politicians and one among civil servants. However, both of these discourses were largely concealed from Parliament and the wider public.

Chapter 7 Politicisation of the Issue

In January 1957, Anthony Eden resigned as Prime Minister on grounds of ill health but in reality for mismanaging the Suez Crisis the previous year. Harold Macmillan succeeded as Prime Minister. In the new Cabinet, Viscount Kilmuir (Lord Chancellor), the Earl of Home (Commonwealth Secretary), Alan Lennox-Boyd (Colonial Secretary), Iain Macleod (Minister of Labour), the Marquess of Salisbury (Lord President) kept their posts. Norman Brook also remained as Cabinet Secretary. Lloyd-George was replaced by R. A. Butler as Home Secretary.

Discussions within the government had been shelved for the period of one year since July 1956. Even after they were resumed from mid 1957, the government discussions on Commonwealth immigration remained on the whole calm for the time being. This situation changed greatly in August 1958.

1. Impact of the Resignation of Lord Salisbury

Increase in immigration from Pakistan and India

Net immigration from the New Commonwealth reached 46,800 in 1956. Soon after forming the new Cabinet, Macmillan reconstituted the ministerial committee on Commonwealth immigration. He had received a Parliamentary Question from Cyril Osborne to which he was to reply on 24 January 1957.¹ The new ministerial committee "Committee on Colonial Immigrants" (code CCI) was the same entity as its predecessor and the reconstitution was a matter of administration. It was chaired.

¹ Paul Foot, *Immigration and Race in British Politics* (Harmondsworth, Penguin Books, 1965), p.130.

like the previous one, by the Lord Chancellor (Viscount Kilmuir) and attended by the Home, Commonwealth, and Colonial Secretaries, Minister of Labour and Attorney-General. The terms of reference of the committee were also the same as before.²

During the one-year period from July 1956 when discussions within the government were shelved, the membership of those involved in the policy process on Commonwealth immigration had undergone great changes. The new Home Secretary, R. A. Butler was, unlike Gwilym Lloyd-George, a heavyweight in the Conservative Party. He had been the Chancellor of the Exchequer in the Churchill and Eden administration until December 1955 and, since then, the Leader of the House of Commons and Lord Privy Seal. He was a person who could exercise strong influence in the Cabinet, Parliament and the Party.

More important in the course of the government discussions on Commonwealth immigration than Butler's appointment as Home Secretary was the resignation of the Marquess of Salisbury from the Cabinet in March 1957.³ This was due to the differences in views over the British retreat from Cyprus: for him, this looked another withdrawal from the Empire in the face of violence.⁴ As seen in the previous chapter, the Marquess of Salisbury was the strongest voice in the Cabinet in support of legislation for controlling immigration. His resignation was to have a major impact on the discussions about legislation.

² The terms of reference were: 'To consider what form legislation should take, if it were to be decided that legislation to control the entry into the United Kingdom of British subjects from overseas should be introduced; to consider also the intended effect of such legislation upon actual immigration, how any such control would be justified to Parliament and the public, and to the Commonwealth countries concerned; and to report to the Cabinet.' (CCI(57)1, 24 Jan 57, CAB134/1466)

³ The Lord Presidentship was taken over first by the Earl of Home, Commonwealth Secretary, and from June 1957 by Viscount Hailsham.

⁴ David Childs, *Britain since 1945: A Political History* (London, Routledge, 3rd ed., 1992), p.99.

The resignation of Lord Salisbury created a situation in which the views of civil servants had greater influence and were more likely to be adopted than before by ministers. The official committee CWP(3) continued to play an important part in the policy process of the Macmillan administration. Discussions within the government restarted in April 1957. There was the continued rise in net immigration. The net inflow from the New Commonwealth had reached 46,800 in 1956. Among these, 29,800 came from the West Indies, which was an increase from 11,000 in 1954 and 27,500 in 1955. Moreover, in early 1957, immigration from India and Pakistan increased substantially.⁵

The first meeting of the CWP(3) under the Macmillan government was held on 1 April.⁶ At this meeting, the same line of analysis of the situation was repeated. The major concern was social conditions, in particular, congregation of immigrants in the limited quarters of urban areas and resulting deterioration in race relations.⁷ Meanwhile legislation was not politically supported as 'public opinion was not yet ready for legislation . . . and its introduction . . . might bring about serious political repercussions'.⁸ Also, from the view of external relations, legislation would be 'particularly untimely having regard to the constitutional developments in the West

⁵ CCI(57)2, 27 May 57, CAB134/1466.

⁶ Lamb stressed the importance of the Prime Minister's letter to the Home Secretary dated 21 June 1957, in which he asked for information on the situation of immigration from the Commonwealth (Richard Lamb, *The Macmillan Years 1957-1963: The Emerging Truth* (London, John Murray, 1995), p.417; H. Macmillan, Prime Minister, to R. A. Butler, Home Secretary, 21 Jun 57, PREM11/2920). This was, however, by no means the initial suggestion of the government discussions on Commonwealth immigration under the Macmillan administration. The government machinery had preceded this personal initiative by the Prime Minister.

⁷ CWP(3)(57)5, 1 Apr 57, CO1032/195, DO35/5219; CCI(57) 1st meeting, 6 Jun 57, CAB134/1466, pp.1-2.

⁸ CCI(57) 1st meeting, 6 Jun 57, CAB134/1466, p.2.

Indies, Ghana and Nigeria'.⁹ At the same time, the civil servants again confirmed that the proposed quota system should not be adopted. Imposing quotas was thought difficult on the grounds of: difficulty to conceal discrimination against coloured people; probable retaliation by some Commonwealth countries; further difficulties regarding Irish citizens; and the problems in deciding the overall and country quotas.¹⁰ These views held by civil servants were to gain ministerial support at the CCI meeting on 6 June 1957 (CCI(57)1st), which was held after eight-month's interval, and then at the Cabinet meeting on 25 July (CC(57)57th).

Negative mood for legislation

Meanwhile the patterns of immigration changed in 1957. Immigration from the West Indies, which had initially been the focus of policy makers' attention, showed a decrease. On the contrary, an increase in immigration from South Asia became apparent. In particular, Pakistani immigrants increased by 150% in 1957 to 5,200 and Indian immigrants by 18% to 6,600.¹¹ By the end of the year, civil servants had had more worry than before about 'the changing patterns of immigration' and 'its possible undesirable consequences'.¹²

At the CWP(3) meeting on 16 January 1958, the marked increase in the number of Pakistani immigrants drew the civil servants' attention and the following view was expressed: 'Coloured immigration was no longer a purely West Indian problem. The less noticeable but persistent increase in the number of Indians and Pakistanis was potentially much more serious; these people were a poor type and quite unassimilable. If the present rate of immigration were to increase in

⁹ CCI(57) 1st meeting, 6 Jun 57, CAB134/1466, p.2.

¹⁰ Second Report of the Working Party, 2 May 57, attached to CCI(57)3, 27 May 57, CAB134/1466.

¹¹ CWP(3)(58)2, 16 Jan 58, CO1032/195.

¹² CWP(3)(58)2, 16 Jan 58, CO1032/195.

momentum it would not be very long before we were faced with all the problems - social, economic, and perhaps political - of a multi-racial society'.¹³ This worry that the influx from Pakistan might bring serious problems was shared by ministers. In the CCI meeting held on 11 March (CCI(58)1st), the view was expressed that 'The large and increased influx of Pakistanis had introduced a new element into the situation which could not be allowed to continue unchecked indefinitely'.¹⁴

However, both civil servants and ministers were still cautious about immediate legislation at this time. It was true that at the CCI meeting on 11 March (CCI(58)1st) ministers decided that the draft Commonwealth Immigrants Bill should be re-examined 'to ensure its suitability for introduction at short notice if this should be necessary'.¹⁵ However, for civil servants, it was important that there were no economic grounds for imposing a control,¹⁶ while, for ministers, it was still uncertain whether legislation would gain public support. Therefore, at the same CCI meeting, the general view of ministers was that 'it would be unwise to proceed with legislation unless there were clear indications that public opinion would support such a course'.¹⁷ As this suggested, the approach of ministers to Commonwealth immigration had completely changed to be less assertive with the resignation of the Marquess of Salisbury the previous year.

They decided to seek administrative measures for the time being while examining the Bill. The view of the Pakistani and Indian governments was sought on the possibility of action on their part to restrict the flow.¹⁸ As a result, it became clear that both governments shared the view with the UK government that 'it is not

¹³ CWP(3)(58)2, 16 Jan 58, CO1032/195, p.3.

¹⁴ CCI(58) 1st meeting, 11 Mar 58, CAB134/1466, p.1.

¹⁵ CCI(58) 1st meeting, 11 Mar 58, CAB134/1466, p.2.

¹⁶ CWP(3)(58)2, 16 Jan 58, CO1032/195, p.3.

¹⁷ CCI(58) 1st meeting, 11 Mar 58, CAB134/1466, p.2.

¹⁸ CCI(58) 1st meeting, 11 Mar 58, CAB134/1466, p.2.

in the interests of their citizens that they should come to this country [the UK] to swell the ranks of the unemployed and become a charge of public funds'.¹⁹ Both governments thus agreed to take measures to suppress emigration by restricting the issue of passports.²⁰

Meanwhile, the draft Commonwealth Immigrants Bill was circulated at the CCI meeting on 19 May (CCI(58)2nd) for re-examination. By this time a small change was appearing in the thinking of the Commonwealth Relations Office. As had seen in the previous chapter the Department had persistently opposed legislation applied to independent Commonwealth countries. This was mainly because there was concern that such measures might harm good relations with Commonwealth countries. In the case of India and Pakistan, the main reason was because retaliatory action by their governments was expected when the UK introduced immigration control on the entry of their citizens to the UK. However, in the face of high immigration from India and Pakistan, the Commonwealth Relations Office had come to think that legislative restrictions might be supported from the Indian and Pakistani governments and also that 'Such support might provide an effective answer to criticisms in this country [UK] that the Bill was a measure of colour discrimination'.²¹ Therefore in the CCI meeting the Commonwealth Secretary (the Earl of Home) suggested that the Department would allow the control being applied only to India and Pakistan.²²

Nevertheless, there were great difficulties in promoting legislation, even on

¹⁹ CWP(3)(58)7, 4 Sep 58, CO1032/196, para.23.

²⁰ CCI(58)4, 9 May 58, CAB134/1466.

²¹ CCI(58) 2nd meeting, 19 May 58, CAB134/1466, p.2.

²² The High Commissioners of India and Pakistan, however, showed a sceptical view for targeting only at India and Pakistan. They thought even if the governments might be ready to accept legislation, the press and public opinion will not be persuaded and might interpret legislation as discriminatory (CWP(3)(58)7, 4 Sep 58, CO1032/196, para.25).

this line. Many on the Committee were thinking that 'Parliamentary and public opinion would probably reject legislation which failed to deal with the larger and more publicised problem of the immigrants from the West Indies'.²³ Meanwhile, the opposition of the Colonial Office to legislation applied to the Colonies had become more evident since the Federation of the West Indies came into force in January 1958. Moreover, the general election had become an issue. By February or March of the year the Prime Minister (Harold Macmillan) had set his mind to hold the next general election in the autumn of 1959.²⁴ Ministers in the CCI felt it politically unwise in these circumstances 'to undertake . . . a controversial measure' on which 'Government supporters in Parliament were divided'.²⁵ Ministers thus confirmed that 'there was no need for immediate legislation', while they decided to see the effect of the administrative measures taken by India and Pakistan during three or four months.²⁶

2. Political Responses to Disturbances

Changing situation of employment

Voluntary controls by the Indian and Pakistani governments were successful in reducing immigration.²⁷ At the middle of the year 1958, the statistics showed a decrease in immigration from India, Pakistan, and the West Indies. However, it was only for a short while that the situation calmed down. The downward trend of the West Indian immigration quickly reversed to record an increase.

²³ CCI(58) 2nd meeting, 19 May 58, CAB134/1466, p.3.

²⁴ Lamb, *The Macmillan Years 1957-1963*, p.52.

²⁵ CCI(58) 2nd meeting, 19 May 58, CAB134/1466, p.2.

²⁶ CCI(58) 2nd meeting, 19 May 58, CAB134/1466, p.4.

²⁷ CCI(58) 2nd meeting, 19 May 58, CAB134/1466, p.1.

In late August 1958, the situation changed radically in two additional, and more important, ways. The first was that the economic situation deteriorated and the employment situation changed. Unemployment among coloured people increased by 2,000 from March to July.²⁸ Though this increase was 'not in itself unduly alarming', civil servants at the CWP(3) thought that 'it would probably have been much higher had the Governments of India and Pakistan not taken measures to prevent more of their citizens from coming here'.²⁹

The Ministry of Labour, in fact, judged at the end of August that 'the effects of the economic recession were now becoming apparent'.³⁰ At the CWP(3) meeting on 21 August, the Ministry showed a severe view: 'the absorption of coloured workers had now reached saturation point and the employment prospects of any of the 17,000 already unemployed . . . were very poor indeed' and 'New arrivals would probably fare worse'.³¹ The Ministry was particularly concerned about the coming of winter, when seasonally unemployment would increase.³² Its view was even so alarming that it stated in the meeting that 'the importance of prompt and effective action before the situation deteriorated further should not be underrated'.³³ Legislation could not be passed in time to be effective the winter. The Ministry therefore proposed that the West Indies governments should be asked to take the same kind of administrative action as that of India and Pakistan.³⁴

Urban disturbances and the Deportation Bill

²⁸ CWP(3)(58)7, 4 Sep 58, CO1032/196, para.21.

²⁹ CWP(3)(58)7, 4 Sep 58, CO1032/196, para.22.

³⁰ CWP(3)(58)6, 21 Aug 58, CO1032/196, para.7.

³¹ CWP(3)(58)6, 21 Aug 58, CO1032/196, para.7.

³² CWP(3)(58)7, 4 Sep 58, CO1032/196, para.23.

³³ CWP(3)(58)7, 4 Sep 58, CO1032/196, para.9.

³⁴ CWP(3)(58)6, 21 Aug 58, CO1032/196, para.9.

Secondly and, worse still, two days after the above CWP(3) meeting, on 23 August, the long predicted deterioration of race relations broke out. "Serious disturbances" erupted in Nottingham.³⁵ It was followed by another series of disturbances in Notting Hill, London. These had the issue of Commonwealth immigration develop from a local "problem" to a national one and politicise, which the government had been most concerned.

Layton-Henry analyses the implication of these incidents in the whole debates on Commonwealth immigration as follows: 'It was the riots in Nottingham and Notting Hill in August and September 1958 that propelled the issue of black immigration on to the front pages of the newspapers and television, and made it a national rather than a series of independent local issues. Instead of the quiet though intense debates on the back benches and in civil service interdepartmental committees, the issue of immigration control became one of general public interest and debate.'³⁶

There was, on the one hand, widespread condemnation of the violence by party leaders, Church leaders, and editorials in the press. On the other, there was an interpretation at the local level that these incidents occurred as the response of local people who felt resentful against black immigration. This even included some Labour MPs in whose constituencies these incidents broke out.³⁷ In fact, public opinion seemed to be crystallising in favour of controlling immigration. For the first time the opinion polls on popular attitudes towards immigrants, race relations and immigration control were carried out. The result of a Gallup poll showed that 'a substantial majority of respondents favoured immigration controls, with only 1 in 5

³⁵ CCI(58)5, 4 Sep 58, CAB134/1466, p.5.

³⁶ Zig Layton-Henry, *Politics of Immigration: Immigration, 'Race' and 'Race' Relations in Post-war Britain* (Oxford, Blackwell, 1992), p.38.

³⁷ Layton-Henry, *Politics of Immigration*, pp.38-41 and 73.

opposing'.³⁸ One of the strongest arguments that the government policy makers used to adopt to oppose legislation on entry was eroding.

In view of the probable general election within a year, the government was forced to take urgent action to calm down the crisis and to prevent further politicisation of the issue. From a small number of staff around the Home Secretary, an idea emerged to separate provisions on deportation from the Commonwealth Immigrants Bill and to legislate on this independently. The Colonial and Commonwealth Relations Offices were not, though they were opposed to legislation on entry, necessarily opposed to legislation on deportation. For these Departments, deportation was a less bad, and realistic, option in order to avoid legislation on entry. The public opinion were thought to be less opposed to this course.³⁹ In the Cabinet meeting on 8 September (CC(58)69th), legislation on deportation, as well as strengthening voluntary restriction by the West Indies governments, were proposed by the Home Secretary.⁴⁰ The Cabinet agreed to this.

On the request of the Colonial Office, the West Indian governments decided to refuse the issue of passports to persons known to have been convicted of serious offences. Jamaica also imposed restrictions on the issue of passports for unaccompanied juveniles and for the old and infirm.⁴¹ Meanwhile on the UK side the Deportation Bill was hurriedly prepared at the civil servant level in the run-up to the next Parliamentary session due in November. The main points of the provisions of deportation had already been agreed in previous discussions about the Commonwealth Immigrants Bill. Civil servants confirmed at the CWP(3) meeting

³⁸ Layton-Henry, *Politics of Immigration*, p.40.

³⁹ Colonial Immigrants: Brief for the Secretary of State for Cabinet on 8th September 1958, by I. B. Watt, Assistant Secretary, CO, n.d.[4 Sep 58], para.12.

⁴⁰ CC(58) 69th conclusions, minute 3, 8 Sep 58, CAB128/32/pt.2.

⁴¹ *cf.* Progress Report of Inter-Departmental Working Party, 1 Feb 61, attached to CCM(61)2, 7 Feb 61, CAB134/1469, Annex 2, para.5.

on 23 September that the following categories of people should be exempted from deportation: 1) those who were born in the UK; 2) those who were born of parents who at the time of his or her birth were ordinarily resident; 3) those who were ordinarily resident in the UK for seven years or more; or, 4) those who were naturalised in the UK. As regards Irish citizens, it was confirmed that there was 'no reason to exempt Irish citizens from applying deportation'.⁴² These were the categories recommended by the CWP(2) in its report of 22 October 1954 and thus had been adopted in the draft Commonwealth Immigrants Bill. By the time the draft of the Deportation Bill was submitted to the ministerial committee CCI on 19 January 1959, its outlines were also amended on the following points: to confine the power of the Home Secretary in ordering deportation to the case on which there was the recommendation of a court; to reduce the period of residence from seven to five years which would confer exemption from deportation; and to include as a category of exemption a person whose father was born in the United Kingdom.⁴³

In the CCI meeting on 6 November (CCI(58)3rd), the majority of the ministers showed their approval in promoting legislation on deportation, though there was a minority opinion that it might have the effect of delaying the introduction of a comprehensive Bill at a later stage. At ministerial level, there was a shared view that 'considerable public disquiet on the subject' existed and that 'Government inactivity would carry the risk of discouraging Colonial Governments from taking measures to restrict the numbers of emigrants setting out and might lead to the emergence of extremist groups in the United Kingdom'.⁴⁴ Ministers decided to prepared a Bill 'on the lines indicated' by civil servants.⁴⁵

⁴² CCI(58)6, 17 Oct 58, CAB134/1466.

⁴³ CCI(58) 3rd meeting, 7 Nov 58, CAB134/1466; CCI(58)7, 19 Dec 58, CAB134/1466.

⁴⁴ CCI(58) 3rd meeting, 7 Nov 58, CAB134/1466, p.3.

⁴⁵ CCI(58) 3rd meeting, 7 Nov 58, CAB134/1466, p.4.

Concern about politicisation of the Bill

After this CCI meeting, publication of the governments decision on the introduction of deportation provisions started. For example, at the annual Conservative Party Conference in October (11 October), the Home Secretary (R. A. Butler) implied, while resisting the idea to introduce control on entry, that provision for deportation of Commonwealth immigrants concerned in certain categories of crime might be desirable. In the speech he said, on the one hand, that 'we should maintain the long and respected tradition of allowing citizens of Commonwealth countries to come here' and, on the other, 'it is very likely that the Government in the new Session will seek a power of deportation'.⁴⁶

It did not take long before the conditions which led to the hasty move by ministers towards the firm and apparent action began to settle down. The Deportation Bill was drafted by the Home Office on the lines proposed and circulated at the CCI meeting on 13 January 1959 (CCI(59)1st). After the disturbances, however, the flow of immigrants was showing a marked decline from autumn to winter and in the meantime the disturbances were not repeated. Under these circumstances, the possible bad effects which the Bill might cause were beginning to be taken into considerations of the government. Particularly important among them were the relations with the Commonwealth and the impact on comprehensive legislation in the future. There had even emerged a negative view on legislation within ministers at the CCI: 'it could be held that the problem was no longer sufficiently great to justify legislation of the kind proposed'.⁴⁷

⁴⁶ Conservative and Unionist Central Office, *The Campaign Guide 1959: The Unique Political Reference Book* (London, Conservative and Unionist Central Office, 1959), p.354; cf. Nicholas Deakin, 'The politics of the Commonwealth Immigrants Bill', *Political Quarterly*, 39, 1 (1968), 24-45, p.40.

⁴⁷ CCI(58) 3rd meeting, 7 Nov 58, CAB134/1466, p.3.

At the CCI meeting, the opinions of ministers divided. However it was the minority that opposed legislation. For them, to keep good relations with the Commonwealth was a major concern. Legislation was thought to 'constitute an important departure from the principle that British subjects from Commonwealth countries and Colonial territories had equal rights in this country with British subjects resident in the United Kingdom'.⁴⁸ The majority still favoured legislation. They claimed that, 'Though racial disturbances appeared to have subsided for the time being', 'failure to act might lead to a recurrence, to the formation of extremist groups, and to a demand for more stringent measures of control which could prove to be highly controversial and have serious implications in our relations with other Commonwealth countries'.⁴⁹ Moreover, the introduction of the Deportation Bill had already been announced on various occasions. This made them to feel that 'the Government might be open to criticism if it failed to take step'.⁵⁰

The most important factor at this point of time, however, was the fact that the next general election was expected to be held in autumn of the year. Political meanings might be attached to any judgement on legislation as this was expected to attract large public interest. Considering the nature of legislation aimed at the public, it was necessary to prevent the dealing of the issue itself from being politicised. Meanwhile conditions which would reject the need of legislation were in fact sufficient - a decrease in immigration, no repetition of disturbances, and maintaining good relations with the Commonwealth. There was no need to take a risk to politicise this issue in front of the general election. The issue was too sensitive to be handled too quickly. Under the circumstances the Chairman (Viscount Kilmuir, Lord Chancellor) deferred making a judgement in the

⁴⁸ CCI(58) 3rd meeting, 7 Nov 58, CAB134/1466, p.3.

⁴⁹ CCI(58) 3rd meeting, 7 Nov 58, CAB134/1466, p.3.

⁵⁰ CCI(58) 3rd meeting, 7 Nov 58, CAB134/1466, p.3.

Committee and, instead, decided that the matter should be submitted to the Cabinet for decision.⁵¹

Accordingly the decision as to whether the Deportation Bill should be introduced in Parliament or not was to be made in the Cabinet. Ahead of the Cabinet meeting due on 19 February 1959, the Prime Minister (Harold Macmillan) asked his senior civil servant advisor the opinion about this issue. Burke Trend, Deputy Cabinet Secretary, who was respected as Macmillan's personal advisor on economical and colonial affairs,⁵² minuted to Macmillan on 2 February. Trend stated that the introduction of the Deportation Bill in Parliament was 'essentially a matter of political judgement'.⁵³ The issue was 'whether the Government would lose more by failing to take action . . . than by introducing a Bill which involves a departure from our traditional policy of avoiding discrimination between subjects as regards entry to this country'. Considering that the next general election was expected to be held in autumn of the year, it was, Trend thought, 'unwise to stir up what would probably become a controversial matter at this stage'. He recommended therefore that the Prime Minister should 'defer action until the next Parliament, when the limited question of deportation could be tackled in the context of a comprehensive Bill'.⁵⁴

It was decided in this way that the Deportation Bill should not be submitted to Parliament before the Cabinet meeting. At the Cabinet meeting on 19 February (CC(59)11th), the Home Secretary announced that, 'in view of the many other demands on the legislative programme, he would not wish to press for its

⁵¹ CCI(58) 3rd meeting, 7 Nov 58, CAB134/1466, p.3.

⁵² Lamb, *The Macmillan Years 1957-1963*, p.1.

⁵³ B. Trend, Deputy Cabinet Secretary, to H. Macmillan, Prime Minister, 2 Feb 59, PREM11/2920.

⁵⁴ B. Trend, Deputy Cabinet Secretary, to H. Macmillan, Prime Minister, 2 Feb 59, PREM11/2920.

introduction during the current Session'.⁵⁵ The Deportation Bill was politically raised to influence the public and assuage public concern, and it was politically buried for electoral considerations.

* * *

The urban disturbances in the summer of 1958 raised the issue of Commonwealth immigration to a matter of wide public concern. The issue was politicised. With a general election within a year, the government faced the need to subdue public interest on the issue. The Deportation Bill was prepared for this purpose on the demand of the Home Secretary. However, the strain caused by the disturbances were rapidly eased as well as the number of immigration decreased. The Deportation Bill was left only as a subject of ministerial discussion. Many ministers hoped to put forward legislation to show the firm attitude of the government, while the Prime Minister and his aides came to judge that the Bill would exacerbate divisions in the public and within the party so that the introduction of the Bill to Parliament itself would risk further politicisation of the issue. It was politics that mattered in this whole process. In view of electoral considerations, the idea of legislation on deportation was raised by ministers and was withdrawn by ministers. The same kind of consideration was working under the surface of the rise and fall of the Deportation Bill.

In this process, the role civil servants played was not large. However there were a couple of remarkable changes in the role of civil servants in terms of institutions and views. Firstly, with the resignation of the Marquess of Salisbury from the Cabinet, there emerged a situation in which discussions at ministerial level and those at the civil servant level match better. Secondly the official committee,

⁵⁵ CC(59) 11th conclusions, minute 8, 19 Feb 59, CAB128/33.

which had had by and large an *ad hoc* nature, acquired a permanency nature from around 1957 at the latest. The institutional setting for the Commonwealth Immigrants Bill of 1961 gradually arranged in this fashion.

The view and position of civil servants also changed in important respects during this period of time in the background to the political developments of the events after the disturbances of August and September 1958. The deterioration of race relations was concretely erupted in the disturbances. These made the Home Office even more cautious than before about social impact of immigration. Equally important was that employment, which, as well as the West Indian Federation, used to constitute a strong case to oppose early legislation, was getting worse from a little before the disturbances. The Ministry of Labour which used to oppose early legislation turned its position to restricting immigration.

The position of civil servants as regards immigration was therefore entering a new phase. The future of the West Indian Federation and the position of the Colonial Office which had a large interest in this factor came to be illuminated as the key to legislation on both entry and deportation.

Chapter 8 Decision-making

After the general election of 8 October 1959, a new ministerial committee in charge of Commonwealth immigration was not convened until January 1961. When Harold Macmillan formed a new Cabinet after the victory, a ministerial committee of this sort was not considered urgent. Many scholars of history have asserted that the disturbances in the autumn of 1958 had a considerable impact on, and led to, the introduction of the Commonwealth Immigrants Bill of 1961.¹ As this fact shows, however, the links between these two events are not so evident. It seems rather that the disturbances were, though one of the factors, not the decisive cause of the introduction of the Bill to Parliament in November 1961. In the meantime the government machinery on Commonwealth immigration and discussions ceased at the ministers' level.

At the civil servant level, on the other hand, discussions and institutional arrangements were maintained. The official committee CWP(3) established since 1955 continued and kept monitoring the situation of immigration. With abolition of the ministerial committee, the CWP(3) was to report directly to the Home Secretary.² In this respect the official committee consolidated its independent existence and was not of secondary importance to the ministerial committee.

1. Beginning of Discussions towards the 1962 Act

¹ cf. D. W. Dean, 'Conservative governments and the restriction of Commonwealth immigration in the 1950s: the problem of constraint', *Historical Journal*, 35, 1 (1992), 171-94, p.188.

² CWP(59) 2nd meeting, 7 Dec 59, CO1032/198, para.3.

Civil servants' view on the situation in 1959

True, the declining trend of net intake in Britain had reversed from August 1959. Net immigration in the four months between August and November 1959 was 12,500, while it was 7,500 in the same months of the previous year.³ Among the total intake of 12,500, 9,000 were from the West Indies.⁴ However, throughout the year of 1959 the situation relating to immigration was by and large calm.

Civil servants at the CWP(3) showed the almost same view as before. In social aspects, housing remained 'one of the most intractable problems affecting coloured immigrants',⁵ and there were some cases in which coloured people were convicted of drug trafficking or prostitution.⁶ However, as regards health, according to the Ministry of Health, the problem of tuberculosis among immigrants was small.⁷ And in relations with neighbours, it was judged that there remained 'no evidence of any significant increase of racial tension'.⁸ Economic aspects were not serious at all. The employment figures for 1959 improved and unemployment among New Commonwealth workers were at low level. Though newly arrived unskilled workers had difficulty in getting their first job, the strong performance of the economy meant that skilled workers were easily absorbed in the job market.

Despite these assessments, however, the Ministry of Labour kept a cautious position about immigration. From the view of the Ministry, the employment outlook was 'the key to the whole situation',⁹ and the future prospects of the job situation in Britain should be fully considered. These were not advantageous for immigration.

³ CWP(60)1, 26 Jan 60, DO35/7991, para.2.

⁴ CWP(60)1, 26 Jan 60, DO35/7991, para.3.

⁵ CWP(60)1, 26 Jan 60, DO35/7991, para.25.

⁶ CWP(60)1, 26 Jan 60, DO35/7991, paras.23-4.

⁷ CWP(60)1, 26 Jan 60, DO35/7991, paras.35-40.

⁸ CWP(60)1, 26 Jan 60, DO35/7991, para.12.

⁹ CWP(59) 2nd meeting, 7 Dec 59, CO1032/198, para.15.

Three points were raised. Firstly, the number of workforce in Britain was estimated to increase with the increase in school leavers and the end of the National Service.¹⁰ Secondly, migration from the UK, mainly to the Commonwealth and North America, was 'at a low level' so that in 1958-9 there was 'a small inward balance for the first time for many years'.¹¹ Thirdly, employment of migrants was thought uncertain once the economy moved into recession. These economic and social points were sufficient to support for civil servants, as expressed in the CWP(3) meeting on 7 December 1959, the necessity to maintain voluntary restrictions by the Commonwealth governments on emigration of unskilled people.¹²

Initiative of the Home Office

In the early months of 1960, immigration from the West Indies further increased. The total intake in 1960 up to May reached 16,500, which was higher than any previous five years except in 1956. Among them the influx of West Indians reached a record high of 15,000.¹³

At the civil servant level, the situation of immigration was felt to be changing. It was at this time of mid 1960, almost one year and half before the introduction of the Commonwealth Immigrants Bill to Parliament, important change in views among civil servants occurred as regards Commonwealth immigration and this resulted in them accepting legislation at last. With the increase in immigration, the mood of the Home Office, in particular, turned to alarm.¹⁴ The number of

¹⁰ CWP(60)1, 26 Jan 60, DO35/7991, paras.29-34. The Ministry of Labour estimated that the number of children of school leaving age would be about 50% higher in 1962 than in 1956 (CWP(59) 2nd meeting, 7 Dec 59, CO1032/198, para.15).

¹¹ CWP(59) 2nd meeting, 7 Dec 59, CO1032/198, para.15.

¹² CWP(59) 2nd meeting, 7 Dec 59, CO1032/198, para.16.

¹³ CWP(60)4, 22 Jun 60, DO35/7991, paras.2-3.

¹⁴ M. Z. Terry, Temporary Principal, CO, to R. G. Pettitt, Principal, CO, 30 Jun 60,

people coming to the UK was felt to be 'so large as to create in effect a new situation'; in particular the figures of West Indian immigration looked 'striking to the point of being sensational'.¹⁵ These concerns held by the Home Office were reported in the CWP(3) meeting on 10 June.

Meanwhile, as far as employment was concerned, economic performance was still judged good. The Ministry of Labour showed the view in the same CWP(3) meeting that 'in present conditions of very full employment with the demand for labour still growing, . . . it was . . . possible . . . to find employment even for coloured immigrants who were normally bad "placing" positions'.¹⁶ However, at the same time, the Ministry of Labour kept the severe view about future prospects of employment and thus of immigration.¹⁷ In fact, from the economical point of view, the situation of immigration from the West Indies exhibited a marked change at this point of time in mid 1960, though this was not yet recognised fully within the government. There had been significant correlation since 1956 between the arrival from the West Indies and the labour demand in the UK. The arrival decreased when labour demand declined from 1956 to 1958, and increased when the demand recovered from 1959 to the first half of 1960. After that, this correlation broke up. Despite a decline in labour demand from the second half of 1960, the arrival from the West Indies recorded a marked increase.¹⁸

The rapid increase in West Indian immigration from the beginning of 1960 was reported in the Cabinet meeting on 26 July (CC(60)46th). The Home Secretary (R. A. Butler) raised concern about: the acute housing situation, a fear of the

CO1031/3932, para.3.

¹⁵ CWP(60) 1st meeting, 10 Jun 60, DO35/7991, para.2.

¹⁶ CWP(60) 1st meeting, 10 Jun 60, DO35/7991, para.8.

¹⁷ Minute by M. Z. Terry, Temporary Principal, CO, 29 May 60, CO1031/3932.

¹⁸ Ceri Peach, *West Indian Migration to Britain: A Social Geography* (London, Oxford University Press, 1968), pp.36-50.

recurrence of racial tension and the prospect of increase in unemployment.¹⁹ At this point of time, the Home Secretary was to suggest again the possibility of legislation. It was true that the Colonial Office, which was opposed to legislation, had already sent a despatch to the West Indies in March, and again to Jamaica in May, to inquire whether those governments would be willing to strengthen administrative measures to discourage their people from emigrating to the UK.²⁰ However, the Home Office was doubtful whether these efforts would be likely to reduce the level of immigration from those areas. The Home Secretary thus proposed to appoint a new ministerial committee in the autumn and to resume consideration about legislation, in case such administrative measures did not reduce the numbers.²¹

Decision to appoint a ministerial committee

Towards the end of the year the increase in West Indian immigration accelerated as the Home Office had feared. The pace was so high that the annual net influx became certain to exceed the level of 1956, the year in which the largest net influx both from the West Indies (29,800) and from the "new" Commonwealth as a whole (46,800, including the West Indies) was recorded. Anxiety in the Home Office greatly increased throughout the summer.

By November, the position of the West Indian governments towards emigration became apparent. In reply to an enquiry by the Colonial Office in September about measures to discourage, and the future prospects of, emigration, all the West Indian governments responded that they expected the high rate of migration to the UK to continue and possibly to increase.²² In addition, many stated

¹⁹ C(60)128, 19 Jul 60, CAB129/102/pt.1, p.1, para.3.

²⁰ CWP(60)4, 22 Jun 60, DO35/7991, p.2, para.5.

²¹ C(60)128, 19 Jul 60, CAB129/102/pt.1, p.2, para.6; CC(60) 46th conclusions, minute 2, 26 Jul 60, CAB128/34.

²² Memorandum by the Colonial Office, 4 Nov 60, attached to CCM(61)2, 7 Feb 61,

explicitly that they cannot contemplate any more drastic measures to reduce emigration to the UK. Jamaica went further in saying that 'it considers "any form of positive or legal restrictions most dangerous"'.²³ Restricting the issue of passports by West Indian governments had apparently reached its limits.²⁴

This was an important step pushing the UK government toward legislation. It let them recognise that no measures were left other than legislation by the UK government itself. Accordingly, at the Cabinet meeting on 25 November (CC(60)59th), the constitution of a new ministerial committee which was to discuss legislation was decided on the proposal by the Home Secretary.²⁵

2. Discussions in the Ministerial Committee

Social concerns as the case for control

The new ministerial committee "Commonwealth Migrants Committee" (code CCM) was established on 13 December 1960 with the following terms of reference: 'To consider and keep under review the problems caused by the uncontrolled entry into the United Kingdom of British subjects from overseas'.²⁶ The Committee was again chaired by the Lord Chancellor (Viscount Kilmuir) and composed of Home Secretary (R. A. Butler), Commonwealth Secretary (Duncan Sandys), Colonial Secretary (Iain Macleod), Minister of Housing (Henry Brooke), Minister of Labour

CAB134/1469, para.6.

²³ Memorandum by the Colonial Office, 4 Nov 60, attached to CCM(61)2, 7 Feb 61, CAB134/1469, para.10.

²⁴ R. G. Pettitt, Principal, CO, to A. R. Thomas, Assistant Under-Secretary, CO, 11 Oct 60, CO1031/3932.

²⁵ CC(60) 59th conclusions, minute 8, 25 Nov 60, CAB128/34.

²⁶ CCM(60)1, 13 Dec 60, CAB134/1469.

(John Hare), Chancellor of the Duchy of Lancaster (Charles Hill), Minister of Health (J. Enoch Powell), and Attorney-General (Reginald Manningham-Buller).

The annual net immigration from the New Commonwealth reached a record high in 1960 of 58,000, of which 49,000 were from the West Indies.²⁷ As seen above, already before this ministerial committee came into force, civil servants had confirmed that restrictions on entry were inevitable. At the CWP(3) meeting on 19 January 1961, the civil servants reconfirmed this view by agreeing that 'there is no possibility of the West Indies Governments taking any effective administrative action to stop emigration to the United Kingdom', and that 'so long as immigration of coloured people into the United Kingdom continues uncontrolled there can be no escape from serious social consequences'.²⁸

It was evident that the case for control was not economic situations but social situations. The reasons for legislative actions were summarised by the CWP(3) in its later report dated July 1961 as follows: 'The case for control of immigration rests not on grounds of employment, crime, or health, but on the strain imposed by coloured immigrants on the housing resources of certain local authorities and the danger of social tension inherent in the existence of large unassimilated coloured communities'.²⁹ As was suggested here, the case for legislation was justified on social grounds in particular with regard to housing problems and resulting social tensions. Similar views dominated also among ministers at the new committee. The first meeting of the CCM was held on 16 February (CCM(61)1st). In the meeting ministers confirmed that 'the present level of coloured immigration raised problems which could not be ignored' and 'as the various problems of housing, health and employment became more acute it would

²⁷ CCM(61)3, 8 Feb 61, CAB134/1469, para.1.

²⁸ CWP(61) 1st meeting, 19 Jan 61, DO175/54, CO1032/302, p.2.

²⁹ CCM(61)10, 26 Jul 61, CAB134/1469, para.5, see also para.57.

become more and more likely that a serious situation would eventually arise'.³⁰

Relations with the Commonwealth remained another important consideration. This was even more important at this point of time since the Federation of the West Indies stood on the verge of collapse. The West Indian Federation was one of the weakest of its kind. Each area was separated by sea, with small populations and weak economies. Moreover, because of well-developed local political institutions, there was little federal consciousness, but there was much rivalry between leaders of the islands. In particular Jamaica and Trinidad, two of the largest and richest islands in the Federation, had deep mistrust of each other and of other less rich islands.³¹

For the Colonial Office, the West Indian Federation was the most important consideration in its policy towards the area, and certainly more than controlling immigration. Accordingly, at the first CCM meeting on 16 February, the Colonial Secretary (Iain Macleod) demanded that 'no indication should be given that the Government were contemplating restrictive legislation', as 'Any such indication might have a disastrous effect' on the continuation of the West Indian Federation and its future relationship with the Commonwealth.³² It was evident that in order to control immigration there was no other course than legislation by the UK government. However clear conclusions had not been established yet about the balance of benefits between control of immigration and its likely impact on constitutional developments in the West Indies.

The impact of legislation on new constitutional developments became the major issue also in the Cabinet meeting of the same day (CC(61)7th, 16 February

³⁰ CCM(61) 1st meeting, 19 Jan 61, DO175/54, CO1032/302, p.2.

³¹ J. D. B. Miller, *The Commonwealth in the World* (London, Gerald Duckworth, 3rd ed., 1965), pp.230-1.

³² CCM(61) 1st meeting, 19 Jan 61, DO175/54, CO1032/302, p.3.

1961), where strong opposition to promoting legislation was raised. In fact there was still opposition at ministerial level to control of immigration. At least, Colonial Secretary (Iain Macleod), Commonwealth Secretary (Duncan Sandys) and Education Minister (Edward Boyle) were opposed to legislation.³³ It was therefore difficult for the Cabinet to make a clear decision instantly. Ministers only confirmed at this Cabinet meeting that 'there was no need to decide at once whether legislation should be introduced'.³⁴ At the same time, however, they decided to consider in the meantime the content and form of such legislation 'in order that the Government might be in a position to reach a decision and, if necessary, to take action early in the following Session [from autumn 1961]'.³⁵

Committee's decision and importance of the West Indian Federation

Though there remained much difficulty in terms of relations with the Commonwealth, it did not take long before considerations on constitutional developments in Colonial territories were overwhelmed by the continuing rise in immigration and the breakdown of voluntary restrictions by the West Indies. The increase in immigration was continuing, apparently unabated. A new estimate of immigration was circulated within the government in May, which foresaw that 'if the present trend continued, the total [net immigration] for 1961 might reach 200,000', which would mean that 'by the end of the year there would be nearly half a million coloured people in the United Kingdom'.³⁶ Moreover it became evident in the same month that passport controls taken by the Indian and Pakistani

³³ Paul Foot, *Immigration and Race in British Politics* (Harmondsworth, Penguin Books, 1965), p.134; Ira Katznelson, *Black Men, White Cities: Race, Politics, and Migration in the United States, 1900-30, and Britain, 1948-68* (London, Oxford University Press, 1973), p.134.

³⁴ CC(61) 7th conclusions, minute 2, 16 Feb 61, CAB128/35/pt.1.

³⁵ CC(61) 7th conclusions, minute 2, 16 Feb 61, CAB128/35/pt.1.

³⁶ CC(61) 29th conclusions, minute 7, 30 May 61, CAB128/35/pt.1.

governments to restrain immigration to Britain broke down. Immigrants had come to the UK by obtaining passports for the Middle East.³⁷

The increase intensified fears of a repetition of the violence in Nottingham and Notting Hill in 1958, especially among ministers. In the CCM meeting on 17 May (CCM(61)2nd) the following view was expressed: 'The large influx in recent months was causing concern amongst Members of Parliament, especially those whose constituencies included the areas where the immigrants had congregated. and it was now accepted by Government supporters generally that some form of control was unavoidable if we were not to have a colour problem in this country on a similar scale to that in the U.S.A.'.³⁸ It had been perceived that 'the influx and the social problems to which immigration on the present scale gave rise could no longer be ignored'.³⁹ Consequently, ministers confirmed that 'the situation created by the recent high rate of coloured immigration obliged the Government to take some restrictive action'⁴⁰ and agreed in this CCM meeting to recommend that the Cabinet should 'introduce legislation to enable immigration from the Commonwealth to be controlled'.⁴¹

Though losing its relative importance in the ministers' thinking, consideration of constitutional developments in the West Indies was still the important matter for the Colonial Office. Even after the Committee's decision to recommend legislation to the Cabinet, the Department's view was that 'it would be better to defer introducing any legislation until the West Indies became independent' in a few years' time, otherwise 'it might have an unfortunate effect'.⁴² However this

³⁷ CCM(61) 2nd meeting, 17 May 61, CAB134/1469, p.1.

³⁸ CCM(61) 2nd meeting, 17 May 61, CAB134/1469, p.1.

³⁹ CCM(61) 2nd meeting, 17 May 61, CAB134/1469, p.2.

⁴⁰ CCM(61) 2nd meeting, 17 May 61, CAB134/1469, p.2.

⁴¹ C(61)67, 26 May 61, CAB129/105, para.4.

⁴² CWP(61) 3rd meeting, 10 May 61, CO1032/304, DO175/54, paras.3-4. In fact as late as on 31

view on the West Indies had lost its importance within the government as a whole and, in this CCM meeting, it was replaced by another question about the timing of government announcement about legislation. The most important in this respect was that Jamaica was due to hold a referendum in September and it would decide whether to remain the Federation. Jamaica, as well as Trinidad, the largest colonies, believed they could attract more foreign investment, particularly from the US, on their own free from the other smaller colonies.⁴³ Jamaica's concerns to other smaller members of the Federation had been on the verge of its rejection to the Federation. From the UK government's view, Jamaica's membership to the Federation was essential for the existence of the Federation. In these circumstances, the Colonial Secretary (Iain Macleod) warned at the CCM meeting that the UK government should not make any announcement about legislation before October.

The Ministerial Committee's recommendation about promoting legislation was reported to the Cabinet at its meeting on 30 May (CC(61)29th). It was thought that in this Cabinet meeting the final decision to introduce the Commonwealth Immigrants Bill to Parliament in the next Session would be taken. Unexpectedly to most Cabinet members, however, the Colonial Secretary repeated his reservations about legislation again at this meeting.⁴⁴ Consequently the Prime Minister refrained

July 1961, the Colonial Office Parliamentary Under-Secretary (Hugh Fraser) told at the CCM meeting (CCM(61)3rd) that 'it was most desirable that there should be no legislation to control immigration until the West Indies had become independent' (CCM(61) 3rd meeting, 31 Jul 61, CAB134/1469, p.2). For the Department, this would also have a practical advantage in that an abnormality that the UK should impose restrictions on "Citizens of the United Kingdom and Colonies" (CUKC) could be avoided, as West Indians would lose this status after independence (CWP(61) 3rd meeting, 10 May 61, CO1032/304, DO175/54, para.4). This view was, however, strongly opposed by the Commonwealth Relations Office.

⁴³ Miller, *The Commonwealth in the World*, pp.231-2.

⁴⁴ Harold Macmillan, *At the End of the Day 1961-1963* (London, Macmillan, 1973), p.76; Richard Lamb, *The Macmillan Years 1957-1963: The Emerging Truth* (London, John Murray,

from taking a decision to introduce legislation. It was only decided that in the meantime 'no [government] announcement on the subject should be made'.⁴⁵

3. Discussions at the Civil Servant Level

The subject of control and the Commonwealth

Despite Cabinet's indecision, the focus of civil servants' discussions after the establishment of the ministerial committee CCM in February had moved to concrete measures of legislation. It was not the case for legislation but dealing with the West Indian dimension and the details of legislation that were crucial. As far as the details were concerned, the main points of discussion were two-fold, namely, the subject and concrete measure of control. The first point was who was to be exempted from control on entry and deportation. At the CCM meeting on 17 May (CCM(61)2nd), where ministers decided to recommend that the Cabinet should introduce legislation, ministers had shown their willingness to adopt the lines in the previous Bills and to basically employ birth in the UK or the possession of a UK passport as the criteria of exemption.⁴⁶ Civil servants at the CWP(3) meeting on 14 July re-examined these provisions and also confirmed that these would be practical in general.⁴⁷ However there were two major exceptions to this principle, which should

1995), pp.420-1.

⁴⁵ CC(61) 29th conclusions, minute 7, 30 May 61, CAB128/35/pt.1.

⁴⁶ CCM(61) 2nd meeting, 17 May 61, CAB134/1469, p.4; p.5.

⁴⁷ CWP(61) 5th meeting, 14 Jul 61, CO1032/305, DO175/54, p.6, paras.15-16. There was one legal problem in this respect. Section 6(1) of the 1948 British Nationality Act determined the right of British subjects to obtain United Kingdom citizenship after twelve months' residence in the United Kingdom. In majority of cases such registration would lead to the automatic loss of the former citizenship and therefore in practice confer immunity from deportation. To leave Section 6(1) untouched therefore could frustrate the provisions for control particularly conditional landing and

be discussed in detail - controls on people from the Irish Republic and of EEC citizens. These exceptions entailed a risk that British relations with the Commonwealth might be damaged as some aliens were felt to receive better treatments than British subjects.

The Irish issues was summarised into three questions: 1) whether or not control should be applied to Irish citizens; 2) whether the exemption of the Irish Republic should be contained in the Bill or the Order-in-Council or neither; and 3) if the Irish Republic were exempted from control, that is, if no border controls were introduced between Ireland and the UK, how evasion of the control by entering the UK via the Irish Republic should be defended.⁴⁸ A common position held among policy makers within the government, since the discussion leading to the draft Commonwealth Immigrants Bill of 1955, was that controlling Irish immigration was impossible and unrealistic. In particular the Ministry of Labour kept the view that the UK needed Irish labour and 'whatever legislative provisions were made in respect of the Irish, nothing must in practice be done to impede the flow of Irish labour to the United Kingdom'.⁴⁹ It was thought desirable that immigrants from the Irish Republic should be excluded from control.⁵⁰

The real question was therefore what form legislation should take in relation to the Irish Republic. The possibilities of exemption were by the Bill, by an Order-

deportation (CWP(61) 7th meeting, 16 Aug 61, CO1032/305, DO175/55, p.6, para.12). This problem had been raised in the discussions over the draft Deportation Bill of 1958. Revision of Section 6(1) of the British Nationality Act was endorsed by the CCM meeting on 29 September 1961 (CCM(61)4th). The qualifying period of registration for British subjects was to be extended to five years, which was the same as the period after which they obtained exemption from deportation and also that the aliens got entitlement to apply for naturalisation (CCM(61) 4th meeting, CAB134/1469, 29 Sep 61, p.4).

⁴⁸ CCM(61)10, 25 Jul 61, CAB134/1469, para.46.

⁴⁹ CWP(61) 2nd meeting, 29 Mar 61, CO1032/303, DO175/54, p.4, para.8.

⁵⁰ CCM(61) 2nd meeting, 17 May 61, CAB134/1469, p.4, p.5.

in-Council or by administrative means.⁵¹ It was expected that the Commonwealth countries would strongly object to a Bill which would exclude the Irish from the system of control which applied to them. However, it was believed, according to the Commonwealth Relations Office, that they would accept that 'the Irish must in practice be excluded from control'.⁵² Therefore civil servants decided to recommend to ministers that any restrictions applying to the whole Commonwealth ought to apply, at least in form, to the Irish Republic; but that, whatever the form of legislation would be, no attempt should be made in practice to apply restrictions to the Republic, 'in view of the overwhelming practical difficulties of doing so'.⁵³ The measures to prevent the evasion of control by people entering via the Irish Republic was also taken into account. The Home Office emphasised that, on the assumption that 'the only possibility of dealing effectively with the problem lay in obtaining the co-operation of the Republican authorities',⁵⁴ the UK government had close links with the Irish government and, if there were a possibility of large scale evasion, the UK government could expect to be alarmed in advance.⁵⁵

The problem regarding EEC citizens who would be granted free entry to the UK when it joined the EEC, was similar to that regarding Irish citizens in that EEC citizens might be considered to have been allowed more favourable status in entering and staying in the UK than British subjects in the Commonwealth. As far as the point concerned, civil servants at the CWP(3) took the view that the scheme proposed for control of Commonwealth immigration would 'certainly not be less liberal in its results than any development relating to foreign workers which is likely

⁵¹ CWP(61) 2nd meeting, 29 Mar 61, CO1032/303, DO175/54, p.4, para.9.

⁵² CWP(61) 2nd meeting, 29 Mar 61, CO1032/303, DO175/54, p.4, para.7.

⁵³ CCM(61)10, 25 Jul 61, CAB134/1469, para.46.

⁵⁴ CWP(61) 7th meeting, 16 Aug 61, CO1032/55, DO175/55, p.6, para.12.

⁵⁵ CWP(61)13, 31 May 61, CO1032/54, DO175/54, pp.3-4, para.8.

to result from a decision to join the Common Market [*i.e.* EEC]'.⁵⁶ This was based on the interpretation by the Ministry of Labour about EEC provisions. The citizens of EEC countries would not be receiving 'more favourable treatment than that proposed for British subjects', as under the Treaty of Rome they 'would not be free to come to the United Kingdom to look for work' but they 'would be free only to come and take specific jobs for which they had been engaged'.⁵⁷

However, there was a doubt about this interpretation even among civil servants in fact. Despite the interpretation by the Ministry of Labour, the Home Office still feared that 'the result [of legislation] would be that aliens from the Rome Treaty countries . . . would become entitled to more favourable treatment than British subjects from the Commonwealth'.⁵⁸ Accordingly the special position of Irish and EEC citizens were to remain as major areas of controversy for a considerable period of time.

Concrete measures

The second major point of civil servants' discussions after the appointment of the ministerial committee CCM was the concrete measure of control. Provisions in the 1958 draft of the Commonwealth Immigrants Bill would be a basis of discussion. The 1958 draft was to prohibit entry if the person did not have a labour permit and a housing certificate. The new draft Bill had already been submitted to the CCM for consideration at its first meeting on 16 February 1961 (CCM(61)1st). At this time, the Home Secretary (R. A. Butler) had raised three alternatives as measures for control which had been discussed in the former ministerial committee, namely, housing certificate, labour permit, and quota system. He also had indicated that the

⁵⁶ CCM(61)10, 25 Jul 61, CAB134/1469, para.40.

⁵⁷ CWP(61) 4th meeting, 9 Jul 61, CO1032/304, DO175/54, p.4, para.7.

⁵⁸ CWP(61)13, CO1032/304, DO175/54, p.6, para.12.

least unsatisfactory system of control might be a labour permit.⁵⁹

Civil servants at the CWP(3) meeting on 29 March examined five options raised so far in the course of government discussions and decided to adopt a scheme solely on a employment control. The options raised were: 1) housing certificates, 2) labour permit, 3) quota system, 4) health checks, and 5) citizenship. Firstly, the civil servants had opposed a quota system already in 1956-57 as it would bound to be openly discriminatory against coloured immigrants. Secondly, the Ministry of Health opposed any scheme based on health checks. This option would be very expensive and might result in the exclusion of only a few immigrants.⁶⁰ Thirdly, as far as citizenship was concerned, two possibilities had been raised as a criterion of exempting from control - either employing the existing "Citizenship of the United Kingdom and Colonies" (CUKC), or creating a new United Kingdom (or British Isles) Citizenship, which was to exclude the Colonies and to include the Irish Republic).⁶¹ However, both were rejected as a criterion as they would entail difficulties with Commonwealth countries. The proposed new Citizenship in particular would entail two aspects which were hard to be accepted - inclusion of Irish citizens in British citizenship and separation of the Colonies from the United Kingdom. Civil servants thought that to include the Irish Republic in a citizenship established in Britain would be politically and constitutionally impossible. Meanwhile, as for separating the Colonies from the UK, they feared that it would have an adverse effect on the ties between the UK and its Colonies.⁶² Lastly, a

⁵⁹ CCM(61)3, 8 Feb 61, CAB134/1469.

⁶⁰ Possibilities of Health Check for Commonwealth Immigrants, n.d., attached to CCM(61)5, 11 Apr 61, CAB134/1469.

⁶¹ The new United Kingdom citizenship had been proposed by J. Enoch Powell (Minister of Health) which would replace the existing "Citizenship of the United Kingdom and Colonies". This would cover peoples in British Islands *including the Irish Republic*.

⁶² Citizenship in relation to the Commonwealth Immigrants Bill, n.d., attached to CCM(61)5, 11

housing certificate, which had been adopted in the 1955 and 1958 draft Commonwealth Immigrants Bills, was thought to be too effective in restricting immigration, more so than necessary. The Ministry of Housing assessed that, considering the high pressure for accommodation, the local authorities would issue few housing certificates in reality.⁶³ The Ministry of Labour also claimed in this respect that 'a system of housing certificates would have the effect of depriving industry of the immigrants it needed'.⁶⁴

For all these reasons, civil servants at the CWP(3) decided to adopt a scheme solely on a employment control and to continue to examine its possibility.⁶⁵ The labour permit system applied to aliens was thought so drastic that it might stop an inflow of even necessary labour. The Ministry of Labour had a view as follows: 'The work most of the immigrants do is of real importance to the country. A system which severely curtailed their numbers is not therefore desirable on economic grounds, apart from the political difficulties it would create. For this reason the simple imposition of a labour permit system such as applies to aliens is considered out of the question. It would cut numbers far too drastically'.⁶⁶ Instead, the Ministry of Labour proposed a three-fold labour permit system: skilled workers; persons coming to a specific job, skilled or unskilled, with a named employer; and other unskilled workers.⁶⁷ At the CWP(3) meeting on 10 May, this system which was to be introduced later in the 1962 Act as the employment voucher system was agreed by civil servants to be adopted.

Apr 61, CAB134/1469.

⁶³ Housing Certificates for Intending Immigrants, n.d., attached to CCM(61)5, 11 Apr 61, CAB134/1469, para.3.

⁶⁴ CWP(61) 2nd meeting, 29 Mar 61, CO1032/303, DO175/54, p.2, para.5.

⁶⁵ CWP(61) 2nd meeting, 29 Mar 61, CO1032/303, DO175/54, p.2, para.6.

⁶⁶ CWP(61)10, 28 Apr 61, CO1032/304, DO175/54, p.1, para.1.

⁶⁷ CWP(61) 3rd meeting, 10 May 61, CO1032/304, DO175/54, p.1, para.2.

Cases for deportation were an issue of discussions at a later stage. As well as the three conditions for deportation raised in the 1958 draft Deportation Bill - conviction of criminal offences liable to imprisonment, undesirability, and living on public funds, two further cases were considered at the request of ministers.⁶⁸ One was the conviction of minor offences by those who were found to have bad criminal records in their countries of origin. Civil servants agreed to oppose to include this condition as 'there were considerable difficulties of principle and practice in including in the Bill a provision of the kind' and as a court could 'recommend any offence carrying liability to imprisonment' for which it could recommend also deportation.⁶⁹ The other case was the deception of the immigration authorities or staying on after legitimately entitled to do so. It had also been suggested that it might be desirable to take power to attach to entry permits conditions the breach of which would involve liability to deportation (*i.e.* conditional landing). Civil servants agreed that these cases should be made to constitute an offence carrying liability to imprisonment, thus a court could recommend deportation, as it 'might have a deterrent effect for a false statement'.⁷⁰ However, they were uncertain about the idea of a conditional landing as it would need "internal controls", which would have a practical difficulty in terms of enforcement of controls and was thought to have an effect to 'discourage assimilation' as well.⁷¹

⁶⁸ CWP(61) 7th meeting, 16 Aug 61, CO1032/305, DO175/55, pp.2-3, para.5.

⁶⁹ CWP(61) 7th meeting, 16 Aug 61, CO1032/305, DO175/55, p.3, para.6.

⁷⁰ CWP(61) 7th meeting, 16 Aug 61, CO1032/305, DO175/55, p.5, para.10.

⁷¹ CWP(61) 7th meeting, 16 Aug 61, CO1032/305, DO175/55, p.5, para.10. The Ministry of Labour was firmly against control based on information about job-seekers. An idea of using the medium of the National Insurance scheme run by the Ministry of Pensions and National Insurance was considered. It was however thought that 'it would be open to grave objections' for using information for the purpose other than stated (CWP(61) 7th meeting, 16 Aug 61, CO1032/305, DO175/55, p.6, para.12).

Treasury's opposition to restriction

The details of control which were to be introduced in the 1961 Commonwealth Immigrants Bill were thus being discussed at the civil servant level even before the first recommendation of the ministerial committee CCM to the Cabinet introducing legislation to Parliament on 17 May. Meanwhile once turning to cases for control, the employment situation at this stage of mid 1961 remained stable. As the Ministry of Labour revealed, 'the great majority of immigrants find and keep work without undue difficulty' so that 'curtailment of immigration ostensibly on employment grounds would not be easy to justify'.⁷² It was evident that the case for control of immigration rested on social grounds, not economic. It was because of this that the government had consider the effect on industry of controlling immigration. For civil servants at the CWP(3) therefore the question to be solved was 'how to slow down the rate of immigration without depriving important industries and services of much needed labour'.⁷³ The proposed three-fold labour permit system was a compromise between social and economic considerations.

It was at this very final stage on the path to legislation, Treasury's views on impact of immigration control on the British economy were suddenly to stir up controversies in the government. The Treasury, another economic Department, had a different view from other Departments. The Treasury was not a member of the CWP(3) and thus not participated in discussions about Commonwealth immigration either at ministerial level (except at the Cabinet meeting) or at the civil servant level. The Treasury shared the view with the Ministry of Labour that immigrants made a useful contribution to the productive capacity of the British economy. The immigration of unskilled workers benefited the economy, and in this respect, 'there

⁷² CWP(61)10, 28 Apr 61, CO1032/304, DO175/54, p.1, para.1.

⁷³ CCM(61)5, 11 Apr 61, CAB134/1469, para.3.

was no case for any control on any known economic grounds'.⁷⁴ However, there was a difference in importance of this view in the priority of the Department between the two economic departments. For the Treasury, which had been excluded from discussions on Commonwealth immigration, this was the most important aspect of Commonwealth immigration and far more important than the social consequences. In fact the Treasury's position on Commonwealth immigration was to be reflected in the *Economic Survey* next year (April 1962), which read that 'There was an unusually large number of immigrants and school leavers, who were, generally speaking rapidly absorbed into employment'.⁷⁵

The Treasury was for the first time invited to the CWP(3) meeting on 14 July. It was invited in order to discuss financial arrangements of the controls, but it resulted in criticising strongly the previous discussions in the CWP(3).⁷⁶ At the next meeting on 21 July, the Treasury emphasised further that it 'could not associate itself with the presentation of the arguments in favour of restriction'.⁷⁷ However, it was too late for the Treasury to have its view being shared by other Departments. The fact at this point of time was, according to the Chairman of the CWP(3) from the Home Office, that 'Ministers were already well aware of the social and political arguments for restriction' and 'what they wanted know was whether there was any

⁷⁴ CWP(61) 5th meeting, 14 Jul 61, CO1032/305, DO175/54, para.14.

⁷⁵ *Economic Survey*, Cmnd. 1678 (London, HMSO, 1962), April 1962, p.20. The positions of the Colonial Office and the Treasury, both of which opposed legislation, were also little different from each other. The Colonial Office was opposing legislation, but not necessarily control of immigration, while what the Treasury was opposing was control of immigration itself.

⁷⁶ The Department viewed 'with concern any proposal to increase the establishment of the Home Office and the Ministry of Labour in order to implement machinery for keeping out needed manpower from the Commonwealth' (CWP(61)5th meeting, 14 Jul 61, CO1032/305, DO175/54, para.14).

⁷⁷ CWP(61) 6th meeting, 21 Jul 61, CO1032/305, DO175/55, p.2, para.4.

practicable method of control'.⁷⁸ The objections of the Treasury was brought to ministerial level ten days later at the CCM meeting on 31 July (CCM(61)3rd).⁷⁹ However, these were mostly dismissed.

4. Politics of the Commonwealth Immigrants Bill

Jamaican referendum and Cabinet decision

Conclusions in civil servants' discussions were reported to ministers one after another. Measures of control and the three-fold labour permit system were endorsed at the CCM meeting on 17 May (CCM(61)2nd).⁸⁰ Criteria based on birth or holding UK passport, treatments of Irish citizen and evasion from the Irish Republic were endorsed also at the CCM meeting on 31 July (CCM(61)3rd).⁸¹ As regards the treatment of EEC citizens, the interpretation adopted by the civil servants was also adopted by ministers. This was that 'the freedom of citizens of other countries in the Community to come here would remain subject to administrative control which need be no more liberal than the proposed system of control for Commonwealth citizens'.⁸² Ministers also endorsed at its meeting on 29 September (CCM(61)4th) that the exemption of control of Irish citizens should be made administratively.⁸³

⁷⁸ CWP(61) 6th meeting, 21 Jul 61, CO1032/305, DO175/55, p.2, para.4.

⁷⁹ The Treasury's Financial Secretary (Edward Boyle) claimed that 'the time had not yet come when control should be imposed' and made a reservation to legislation: 'although he did not underrate the political pressure upon the Government to control immigration, he was not persuaded of the necessity for doing so on economic grounds, and thought that the economic advantage of the present level of immigration was overriding' (CCM(61) 3rd meeting, 31 Jul 61, CAB134/1469, p.2).

⁸⁰ CCM(61) 2nd meeting, 17 May 61, CAB134/1469, pp.4-5.

⁸¹ CCM(61) 3rd meeting, 31 Jul 61, CAB134/1469, p.3.

⁸² CCM(61) 3rd meeting, 31 Jul 61, CAB134/1469, p.4.

⁸³ CCM(61) 4th meeting, 29 Sep 61, CAB134/1469, p.4.

In September 1961, Jamaica decided in its referendum to withdraw from the West Indian Federation. A separate independence for Jamaica distinct from other West Indian territories became established.⁸⁴ This was a great blow to the UK government policy on the West Indies. Ironically, however, in the light of legislation on Commonwealth immigration under work, this incident acted to remove the largest barrier to proceed legislation. Accordingly, ministers decided at the CCM meeting (CCM(61)4th) on 29 September to recommend to the Cabinet for the second time that legislation to control Commonwealth immigration should be introduced at the beginning of the next Session which was due in one month.⁸⁵ The revised draft Bill was thus submitted to the Cabinet at its meeting on 10 October (CC(61)55th). The Cabinet at last decided in this meeting that 'legislation should be introduced in the forthcoming session of Parliament . . . to control immigration into the United Kingdom from other parts of the Commonwealth' (CC(61)55th).

It was also raised in the Cabinet meeting the need to give all Commonwealth governments advance notice that control was likely to be introduced. The Conservative Party Conference was scheduled to discuss Commonwealth immigration on the following day, where resolutions on this subject were to be submitted. The Cabinet decided that the Home Secretary would not admit, that the government had already made a decision to introduce legislation. On the next day at the Conference (11 October 1961), delegates voted overwhelmingly in favour of the

⁸⁴ Consequently Jamaica became an independent state within the Commonwealth on 6 August 1962. Other territories with the exception of Trinidad and Tobago agreed to form a new West Indian Federation in May 1962 with Federal capital in Barbados. Trinidad and Tobago also decided not to remain in the Federation and became independent on 31 August 1962. The new Federation lasted until 1966 when Barbados became independent on 30 November 1966. Other members except Montserrat and St. Vincent, which remained a dependant territory, attained the internal self-government and assumed the status of an associated state with Britain in early 1967.

⁸⁵ CCM(61) 4th meeting, 29 Sep 61, CAB134/1469, p.2.

motion. Meanwhile the Home Secretary (R. A. Butler) in his speech said as follows: 'This [to impose some restriction on free entry to the UK] is obviously a matter in which we have to have the fullest consultations with overseas Governments and Commonwealth Governments. This must be carried thorough. Also the Conference will know that the final decision must be that of Her Majesty's Government and must be taken at the time of year when decisions are taken about the forward legislative programme. That is the constitutional position, and we cannot go behind it'.⁸⁶ As Foot commented, these were 'clearly, not the words of a man in a hurry' and 'no one could have assumed from his speech that he would be moving the Second Reading of a control Bill only four week later'.⁸⁷ All the Commonwealth governments were informed by a telegram from the Colonial Office dated 13 October that the UK government had decided to introduce legislation to control immigration from the Commonwealth.⁸⁸

Preparation of the Bill at ministerial level

It was expected that the Bill would arouse great controversies once introduced in Parliament. A large part of such criticisms of the Bill would be cast in terms of relations with the Commonwealth. It was important for the government to keep such controversies as low as possible. For this purpose there added a few revisions on the Bill at this final moment to avoid criticism in the Parliamentary debates.

This work involved high political sensitiveness. Special meetings of small

⁸⁶ National Union of Conservative and Unionist Associations, *Official Report of the Eighteenth Annual Conference* (London, National Union of Conservative and Unionist Associations, 1961). p.33.

⁸⁷ Foot, *Immigration and Race in British Politics*, p.138.

⁸⁸ Telegram: Secretary of State for the Colonies to all Governors and Administrators, Acting Governor-General the West Indies, acting U.K. High Commissioner Singapore: Commonwealth immigration into Britain, 13 Oct 61, PREM11/3938.

numbers of ministers were set up outside the CCM and further revisions of the Bill were discussed there. Two such informal meetings of ministers were held in the Cabinet Office on 19 and 26 October. They were attended by the Home Secretary (R. A. Butler), the Lord Chancellor (Viscount Kilmuir), the Lord President (Viscount Hailsham), the Commonwealth Secretary (Duncan Sandys), the Colonial Secretary (Reginald Maudling), the Minister of Labour (John Hare) as well as the Chancellor of the Duchy of Lancaster (Iain Macleod, who moved to this post on 9 October) as the Chairman of the Conservative Party Organisation, and the Treasury Parliamentary Secretary (Martin Redmayne) as the Chief Whip.

Firstly, it was pointed out that there was 'no defensible principle of allocation' between the Bill and the Order-in-Council. There was a risk of 'considerable criticism in Parliament, and possibly from Commonwealth Governments' that the Bill was thought to leave too much to discretion.⁸⁹ In fact, the Cabinet Legislation Committee had recommended to the CCM that the draft Bill was revised to 'include all the necessary provisions which were likely to be permanent'.⁹⁰ Based on this instruction, the Bill was revised, before being submitted to the Cabinet meeting on 10 October, to include all those provisions whose variation is not expected to be required from time to time.⁹¹

The second point of revision was the timing of announcement on the position of the Irish Republic. As seen above, the government had already decided that it would not control the entry of Irish citizens for employment nor impose a passport check at the relevant port. The issue on this point was whether or not a clear statement should be made at the Second Reading in the Commons. The government of the Irish Republic had conveyed to the UK government their

⁸⁹ CCM(61) 4th meeting, 29 Sep 61, CAB134/1469, p.3.

⁹⁰ CCM(61) 4th meeting, 29 Sep 61, CAB134/1469, p.4.

⁹¹ C(61)153, 6 Oct 61, CAB129/107/pt.1, p.4, para.12.

willingness to co-operate with the UK to deter evasion of British immigration controls via Ireland of British subjects under such controls. It would introduce legislation to control British subjects not belonging to the United Kingdom. However the Irish government had informed the UK government that it could recommend to its ministers the introduction of such legislation only after a clear statement by the UK government being made that Irish citizens would be exempted from UK controls.⁹²

However, for ministers in the UK, a clear indication in the Parliamentary debate about the exemption of Irish citizens was politically difficult. They thought it unwise 'to give any indication on the Second Reading of the Bill that the government intended to strike a bargain whereby the Irish would be excluded from the control provided that they operated a similar restriction at their ports on Commonwealth immigration'.⁹³ Accordingly the Home Secretary (R. A. Butler) at this point of time decided not to make 'any detailed explanation of the position of the Irish on the Second Reading, beyond saying that the Bill applied to them as it applied to Commonwealth citizens'.⁹⁴ However this decision was to be reversed later.

The third point to be cleared to avoid controversies related to the balance with control of aliens. This was particularly important as Britain had decided shortly before, in August 1961, to apply for EEC membership. Free movement provisions of the EEC Treaty which would allow workers of the member states to enter and reside for work in other member states had further attracted public and Parliamentary attention than before. It was highly likely that the balance between this favourable treatment of EEC workers and the restrictive treatment of

⁹² Minutes of a meeting, 26 Oct 61, CO1032/307, p.2.

⁹³ Minutes of a meeting, 26 Oct 61, CO1032/307, p.3.

⁹⁴ Minutes of a meeting, 26 Oct 61, CO1032/307, p.3.

Commonwealth immigrants might be contrasted politically. It was important at least 'to show that Commonwealth immigrants would be treated at least as liberally and if possible more so than would European immigrants'.⁹⁵ Moreover, it had been realised that the existing legislation for the control of aliens was temporary in form, *i.e.* subject to annual renewal. Some ministers hoped, on the one hand, that the probable legislation for British subjects needed to be, at least, subject to annual renewal, or alien legislation needed to be transformed permanent. The Commonwealth Relations Office for its part opposed the idea of adopting annual renewal and hoped the duration of the Bill to remain five years as it was drafted. The Department was concerned about annual renewal causing 'each year the row . . . with the Commonwealth countries affected'.⁹⁶ At this stage ministers adopted the latter opinion and decided 'to amend the proposed Bill so as to provide that the legislation would continue for five years, with the possibility of an extension at the end of that period by Order in Council subject to Affirmative Resolution in Parliament'.⁹⁷ However, this decision would also be reversed later.

Introduction of the Bill to Parliament

On 31 October, the Queen's Speech announced that 'legislation will be introduced to control the immigration to the United Kingdom of British subjects from other parts of the Commonwealth, and to give powers for the expulsion of immigrants convicted of criminal offences'.⁹⁸ The Commonwealth Immigrants Bill was published on the following day, 1 November.⁹⁹ According to Harold Macmillan,

⁹⁵ Minutes of a meeting, 19 Oct 61, CO1032/307, p.1.

⁹⁶ GEN756 2nd meeting, 28 Nov 61, CAB130/180, p.2.

⁹⁷ Minutes of a meeting, 19 Oct 61, CO1032/307, p.2.

⁹⁸ House of Commons, Parliamentary Debates, 'Queen's Speech', House of Commons Official Report, Session 1961-62, Vol.648 (London, HMSO, 1961), 31 October 1961, cols.4-7, col.6.

⁹⁹ House of Commons, Parliamentary Debates, 'Bills Presented', House of Commons Official

Prime Minister, 'the storm broke' in Parliament.¹⁰⁰ His memoir read that 'I have never seen the House of Commons in so hysterical a mood since the days of Suez'.¹⁰¹ R. A. Butler, Home Secretary, also wrote later, this was 'by far the most controversial of the measures for which I took responsibility as Home Secretary'.¹⁰² It was clear 'from Press and Parliamentary reaction to the publication of the Commonwealth Immigrants Bill' that the position of the Irish Republic would be the major point of controversy.¹⁰³ It was 'in this exception [that] lay the heart of attack'.¹⁰⁴ Not only the opposition parties, but government supporters also disliked the measure, 'especially those who were the greatest enthusiasts for the Empire and Commonwealth'.¹⁰⁵

Reactions to this point were more than expected so that amendment on the tactics to carry Parliamentary debates was in a way possible and in the other necessary. It was no longer important whether the position of the Irish Republic would be concealed in the Second Reading or not. A clear statement about the intentions of the UK government that Irish citizens would be exempted from the subject of immigration controls was the condition upon which the Irish government would amend their own legislation. However, reactions from Parliament and the public after the introduction of the Bill to Parliament was much beyond the initial expectation of the government. Rather than concealing the details concerning Irish citizens, it was felt necessary to emphasise the government's claim that it was for

Report, Session 1961-62, Vol.648 (London, HMSO, 1961), 1 November 1961, cols.160-3, col.161.

¹⁰⁰ Macmillan, *At the End of the Day 1961-1963*, p.77.

¹⁰¹ Macmillan, *At the End of the Day 1961-1963*, p.79.

¹⁰² Richard A. Butler, *The Art of the Possible: The Memoirs of Lord Butler, E.G., C.H.* (London, Hamilton, 1971), p.205.

¹⁰³ C(61)180, 8 Nov 61, CAB129/107/pt.1, p.1.

¹⁰⁴ Macmillan, *At the End of the Day 1961-1963*, p.80.

¹⁰⁵ Macmillan, *At the End of the Day 1961-1963*, p.81.

practical reasons, not for racial discrimination against coloured people, that the controls would not apply to the Irish Republic.¹⁰⁶

Ministers accordingly changed their strategy on the management of the Bill. It was agreed that the Home Secretary should refer to the position of the Irish Republic in his statement on the Second Reading. This was accepted by the Cabinet meetings on the following day (CC(61)61st, 9 November 1961) and reconfirmed on the day of the Second Reading (CC(61)63rd, 16 November 1961). It was decided 'to emphasise that under the terms of the Bill it would be open to the Government to impose this control and that they must reserve the right to do so'.¹⁰⁷

Appointment of an ad hoc ministerial committee

Opposition to the exclusion of Irish citizens from control was, however, strong. Even among the Departments, the Commonwealth Relations Office fought to apply the three-fold voucher system - as amended from labour permit system in nomination - also to Irish citizens.¹⁰⁸ For the Commonwealth Relations Office, it would be 'less difficult to defend the Bill in the Commonwealth if the . . . distinction between Irish and Commonwealth citizens were reduced as far as possible'.¹⁰⁹ More important for ministers was that there was opposition even among government supporters. After the Second Reading Conservative backbenchers indicated to the Conservative Party Chairman and Leader of the House (Iain Macleod) that they would vote against the Bill on the Third Reading unless the Irish were included in control provisions.¹¹⁰ It was evident for ministers that some concessions had to be made in place of giving Irish citizens the favourable position to British subjects in

¹⁰⁶ C(61)180, 8 Nov 61, CAB129/107/pt.1, p.2.

¹⁰⁷ CC(61) 63rd conclusions, minute 2, 16 Nov 61, CAB128/35/pt.2.

¹⁰⁸ GEN756 2nd meeting, 28 Nov 61, CAB130/180, p.2.

¹⁰⁹ GEN756 1st meeting, 24 Nov 61, CAB130/180, p.1.

¹¹⁰ Foot, *Immigration and Race in British Politics*, p.140.

the Commonwealth. To give considerations on this subject, an *ad hoc* ministerial committee was hurriedly appointed on the request of the Conservative Party Chairman.¹¹¹ The Committee on Commonwealth Immigrants Bill (GEN756) was chaired by the Prime Minister himself and had three meetings (24, 28 and 30 November 1961). The Irish question was, as the Prime Minister (Harold Macmillan) perceived, 'essentially a domestic political one for the Government in relation to their own supporters'.¹¹²

In preparation for GEN756 civil servants were ordered to examine possible measures to be applied to Irish citizens in order to ease domestic oppositions. Ministers felt that 'The right course would be to adhere to the Government's original decision to include Southern Irish [citizens of the Irish Republic] within the scope of the Bill but exclude them from its operation'.¹¹³ Civil servants thus confirmed the existing position of the government, namely: the Bill should be applied to the Irish Republic in form, while control was impracticable.¹¹⁴ On this condition, civil servants proposed three possibilities of devising systems of supervision over Irish citizens. Possibility A was to require Irish citizens to register with the local Ministry of Labour office. This scheme was considered to be practicable. However, unlike in the case of Commonwealth citizens, this would mean that 'information could be obtained only about those in or seeking employment'. Therefore it might be difficult to claim that 'this was . . . a control over immigration'.¹¹⁵ Possibility B was to require Irish citizens to obtain a Ministry of Labour voucher before coming to the

¹¹¹ I. Macleod, Leader of the House of Commons, to H. Macmillan, Prime Minister, 17 Nov 61, PREM11/3938; P. J. Woodfield, Private Secretary to the Prime Minister, to H. Macmillan, Prime Minister, 17 Nov 61, PREM11/3938.

¹¹² GEN756 2nd meeting, 28 Nov 61, CAB130/180, p.1.

¹¹³ GEN756 2nd meeting, 28 Nov 61, CAB130/180, p.1.

¹¹⁴ Report by Officials, n.d., attached to GEN756/3, 27 Nov 61, CAB130/180, paras.1-2.

¹¹⁵ Report by Officials, n.d., attached to GEN756/3, 27 Nov 61, CAB130/180, para.7.

UK on the same basis as Commonwealth citizens, though exempted from control at the ports. And Possibility C was to make it an offence for both Commonwealth and Irish citizens to enter the UK for the first time without having been examined by an Immigration Officer or to accept employment within a specified period without permission by the Ministry of Labour. However, these two types of control, allowing people in from the Irish Republic but then impeding them from taking work, was difficult to justify. This was, like Possibility A, to prevent people working in the UK but not to prevent them coming to the UK 'in excessive numbers'¹¹⁶; and, secondly, it was impossible to allow those who legally entered the UK but then were refused permission to work, to stay indefinitely on national assistance.¹¹⁷ The Home Secretary felt that possibility A was the least complicated and the only practical solution.¹¹⁸ At the GEN756 meeting on 28 November (GEN756 2nd), Possibilities B and C were thus rejected.¹¹⁹ Possibility A, namely, that Irish citizens should register with the local office of the Ministry of Labour, was agreed to modify so as to cover not only workers but also all Irish citizens coming to the UK.¹²⁰ They would all be required to fill in a certain form which would be issued on ship or aircraft, and be collected by immigration officers on arrival.

Meanwhile, further revision on the duration of the Bill was also raised as a possibility to accommodate opposing voices. There had been indications that some sections of the Labour Party would find the proposed legislation to limit Commonwealth immigration less objectionable if it could be drafted in such a form as to require Parliamentary approval for its renewal annually.¹²¹ At the ministerial

¹¹⁶ Report by Officials, n.d., attached to GEN756/3, 27 Nov 61, CAB130/180, para.9.

¹¹⁷ Report by Officials, n.d., attached to GEN756/3, 27 Nov 61, CAB130/180, para.10.

¹¹⁸ GEN756/3, 27 Nov 61, CAB130/180, para.7.

¹¹⁹ GEN756 2nd meeting, 28 Nov 61, CAB130/180, p.3.

¹²⁰ GEN756 2nd meeting, 28 Nov 61, CAB130/180, p.3.

¹²¹ Minutes of a meeting, 19 Oct 61, CO1032/307, p.1.

committee GEN756, it was again suggested that the Bill would be made subject to annual renewal similar to the alien legislation and that an assurance should be given that the government would be prepared to reconsider its position to the control at the end of the first year.¹²² Though the Commonwealth Relations Office showed some reservation about this idea, ministers at GEN756 finally agreed that legislation should run in the first instance for eighteen months and thereafter to be subject to annual renewal.¹²³

These concessions raised in GEN756 - combination of the registration of Irish citizens and the annual renewal of legislation - were approved by the Cabinet meeting on 5 December (CC(61)67th).

Amendments at the Committee stage and the passing of the Bill

Two further amendments were added to the Bill at the Commons' Committee stage (5 December 1961 - 13 February 1962). An "immigration certificate" system was proposed by the Labour Party. This was 'to ensure that an intending traveller from the Commonwealth who qualifies for admission to this country [United Kingdom] shall be given the opportunity, before making arrangements for his journey, of obtaining a document which ensures his admission' to the UK.¹²⁴ Civil servants agreed in the CWP(3) meeting on 15 December to adopt this proposal.¹²⁵ It was thought that an introduction of some kind of visa system was desirable both for travellers and for carriers as a traveller could in advance 'know before leaving home whether or not he would be admitted'¹²⁶ and 'the carrying company can tell whether

¹²² GEN756 1st meeting, 24 Nov 61, CAB130/180, p.2.

¹²³ GEN756 2nd meeting, 28 Nov 61, CAB130/180, p.4.

¹²⁴ CWP(62)1, 10 Jan 62, CO1032/309, DO175/55, para.2.

¹²⁵ CWP(61) 9th meeting, 15 Dec 61, CO1032/309, DO175/55, pp.1-2.

¹²⁶ CWP(62)1, 10 Jan 62, CO1032/309, DO175/55, para.5.

a potential passenger is likely to be refused admission'.¹²⁷

Conservative backbenchers proposed the establishment of a Commonwealth Immigration Advisory Council to give advice and assistance on questions of immigration policy and the welfare and well-being of immigrants. Regarding this proposal civil servants concluded that it was practical to establish a body advising on matters connected with welfare; however, such a body should not have any responsibility for advising on immigration policy.¹²⁸ Civil servants thought that 'immigration policy has to be determined by the Government in the light of many and complex considerations, both practical and political'.¹²⁹ They feared that 'An Advisory Council on immigration policy would almost certainly wish to concern itself with the total number of immigrants to be admitted'.¹³⁰ Accordingly the Home Secretary (R. A. Butler) announced his intention to set up an Advisory Committee for welfare in the Commons' Committee on 13 February 1962.¹³¹ The Commonwealth Immigrants Advisory Council, as amended from the proposed designation, was at last to be 'appointed by the Home Secretary to advise him on any matters which he might refer to it from time to time affecting the welfare of Commonwealth immigrants in this country and their integration into the community'.¹³²

¹²⁷ CWP(62)1, 10 Jan 62, CO1032/309, DO175/55, para.6.

¹²⁸ CWP(62)1, 10 Jan 62, CO1032/309, DO175/55, para.21.

¹²⁹ CWP(62)1, 10 Jan 62, CO1032/309, DO175/55, para.21.

¹³⁰ CWP(62)1, 10 Jan 62, CO1032/309, DO175/55, para.21.

¹³¹ CWP(62)10, 3 Apr 62, CO1032/310, DO175/55.

¹³² Commonwealth Immigrants Advisory Council, *Report*, Cmnd.2119 (London, HMSO, 1963), July 1963, p.2. The Commonwealth Immigrants Advisory Council was charged: (i) to examine the arrangements made by local authorities in whose areas substantial numbers of Commonwealth immigrants have settled to assist immigrants to adapt themselves to British habits and customs, and report on the adequacy of the efforts made; (ii) to examine whether the powers of local authorities to deal with matters affecting the welfare of immigrants are sufficient, and whether any further action

With these amendments, the Commonwealth Immigrants Bill passed the Commons on 27 February and then the Lords on 5 April. With the Bill being sent to the Lords on 27 February, the date of implementation of provisions in the Bill became 'a matter of urgency' to be decided.¹³³ This issue was discussed at the CWP(3) meeting on 6 March. The Home Office hoped Part I of the Bill, namely, "Control of Immigration", should be brought into operation 'as soon as practicable, and it was most unlikely that any date later than 1st July would be acceptable to Ministers', while the Commonwealth Relations Office and the Colonial Office 'would find it extremely difficult to do so'.¹³⁴ As for Parts II, "Deportation", and III, "Miscellaneous and General", of the Bill, the Home Office hoped that they 'should come into force on the same day as the South African Bill - i.e. 31st May'.¹³⁵ Despite differences in opinion at the civil servant level, the Home Secretary finally decided the date on 31 May for Parts II and III, and on 1st July for Part I.¹³⁶

The Bill received the Royal Assent on 18 April. Accordingly, the Commonwealth Immigrants Act of 1962 took in effect on 31 May 1962 for Part II (Deportation) and III (Miscellaneous and General) and on 1 July 1962 for Part I (Control of Immigration).

* * *

can usefully be taken by the Government to stimulate action by local authorities; and (iii) to examine the relationship between action by local offices of Government. Departments and local authorities on the one hand, and the efforts of voluntary bodies on the other, in furthering the welfare of immigrants. (Commonwealth Immigrants Advisory Council, *Report*)

¹³³ CWP(62) 1st meeting, 6 Mar 62, CO1032/310, DO175/55, para.2.

¹³⁴ CWP(62) 1st meeting, 6 Mar 62, CO1032/310, DO175/55, para.3.

¹³⁵ CWP(62) 1st meeting, 6 Mar 62, CO1032/310, DO175/55, para.4.

¹³⁶ CWP(62)9, 29 Mar 62, CO1032/310, DO175/55.

In the period between 1959 to 1961, civil servants played consistent roles on the basis of the official committee CWP(3). This committee regularly monitored the situation of immigration and, after the ministerial committee CCM was appointed in December 1960, it was to feed ideas to the CCM. The introduction of the Bill had virtually become assured by the time of the establishment of the CCM. The critical period of the government decision on legislation had been passed between June to November 1960 when the Home Office judged the immigration situation had changed significantly and voluntary restrictions of the West Indian administrations collapsed. In this process during 1959 and 1960, the situation supported the claim of the Home Office, and the Department in turn strongly led the discussions among civil servants. In this respect, the case for control rested on the strain on the housing market and the consequent fear of social tension.

Relations with Commonwealth governments were, however, significant during this period of 1959 to 1961 in two respects, namely, the future of the West Indies, and Commonwealth sentiments in general. Jamaican referendum in September 1961 had a major influence on the timing of legislation. The West Indian Federation was the major concern of the Colonial Office. The Department opposed legislation as this might adversely affect the Federation. But it was not necessarily opposed to controlling immigration in principle. To avoid legislation it tried to seek voluntary restrictions from the West Indies by restricting the issue of passports, which however turned out to be a failure by November 1960. Even after that, the Colonial Office hoped to postpone legislation until the independence of the West Indies. Commonwealth sentiments were put into focus in particular after the introduction of the Commonwealth Immigrants Bill to Parliament was approved by the Cabinet in October 1961. The position of Irish citizens and the duration of legislation, in particular as compared with alien legislation, were both thought to be damaging to relations with the Commonwealth. Important was that Commonwealth

sentiments were at stake in the context of British domestic and Parliamentary politics and not necessarily in the context of concrete relations with the Commonwealth. The nature of discussion of Commonwealth immigration thus changed after the Cabinet approval of legislation in October 1961 and, after that, the role of civil servants in the policy process diminished and the sole initiative of discussions within the government was taken by ministers and discussions were made mainly in the contexts of domestic politics. It was in these circumstances that general sentiments about the Commonwealth appeared as the major focus of controversies over the Commonwealth Immigrants Bill.

In contrast to social factors and factors concerned with the Commonwealth, economic factors had surprisingly little impact in the government discussions in this period. The overall employment situation from 1960 to 1961 was not so bad as to require control of immigration purely in this respect. Both the Treasury and Ministry of Labour confirmed the need of overseas labour for British industry. This was a factor which resulted in the invention of the three-fold employment voucher system; however this did not in any sense stand as a determinant of legislation unlike other factors.

Economic factors could have gained more importance as was suggested in the Treasury's strong opposition to legislation which appeared in May to July 1961. There were two institutional reasons why economic factors were not influential in the policy process. Firstly, the Treasury was excluded from the government discussion about Commonwealth immigration until mid 1961, when the agreement about the introduction of legislation to Parliament had largely been made. As the Department in charge of macroeconomics management in general, the Treasury, in terms of its rank in the Whitehall and its responsibility for government economic policy, could have been an important counterweight to the Home Office, which emphasised social factors in government discussions. However, the Treasury failed

to secure an institutional basis in, and thus was largely excluded from, the policy process of this area. Secondly, and partly due to this, the economic perspective was represented only by the Ministry of Labour in the government. As a result, the economic dimensions of immigration, especially its valuable contribution to alleviating the long-term labour shortage, reducing inflation and contributing to economic growth, were neglected in the discussions. The economic contribution of immigration was limited to that relating to employment - the real employment situation and its short or medium-term prospects. The Ministry of Labour's position on immigration was far from considered and was too sensitive to short term changes in the employment statistics. For these reasons, the substantial contribution of immigration to the economy as a whole was neglected and overwhelmed by social and political factors.

Chapter 9 Implementation of the New Policy

The Commonwealth Immigrants Act gave the UK government measures to control immigration from the Commonwealth. The importance of Commonwealth immigration as a political issue decreased. However this was not the end of the government discussions about controlling immigration. There appeared differences in views within the government how to implement the employment voucher scheme introduced by the Act. This was exacerbated by the rise in applications for vouchers from India and Pakistan. Various new measures were invented under the voucher scheme in order to cope with this rise in applications. The phase of the policy process on Commonwealth immigration shifted to the implementation of new policy.

The passing of the Commonwealth Immigrants Act brought changes in government institutions for administering Commonwealth immigration. The Act resulted in the Ministry of Labour gaining its importance in the policy process. The control by employment using the voucher system assured the Ministry of a major place in the government discussions. The initiative by the Home Office was thus challenged by the Ministry of Labour. The former hoped that voucher scheme should be administered restrictively, while the latter hoped that it should be administered liberally. The Ministry of Labour and the Home Office were the two most influential Departments in the policy community during this period of 1962 to 1964. However, the balance of government discussions and thus of policy would gradually move again in favour of the Home Office.

1. Rivalry of the Ministry of Labour and the Home Office

The new institutional arrangements

During the days when the passing of the Commonwealth Immigrants Bill in Parliament became virtually certain after it passed the Commons' Committee stage on 13 February 1962, a plan to renew the ministerial committee and, accordingly, to establish a new official committee was being discussed in the Ministry of Labour. The principal question after the introduction of the Act was the rate at which employment vouchers would be issued. Civil servants of the Ministry of Labour were cautious about the Home Office taking initiatives on this issue, which was considered to be a job of its own.¹ To claim its right to initiate policy in this area, the Ministry of Labour thought it would be best to renew the institutional arrangements.² The Ministry of Labour proposed to the Home Office that a new official committee chaired by a Ministry of Labour civil servant should be established.³ This proposal was legitimate so that the Home Office had no choice but to accept this. However, the Home Office, reluctant to give up initiatives in policy, noted that the existing official committee CWP(3) would be kept in operation to discuss matters other than the voucher scheme.⁴

¹ H. F. Rossetti, Deputy Secretary, ML, to Laurence Helsby, Permanent Secretary, ML, 13 Feb 62, LAB8/2726.

² A senior civil servant of the Ministry of Labour (H. F. Rossetti, Deputy Secretary) confessed this in a minute to his Permanent Secretary, which read as follows: 'Our experience . . . does not encourage me to think that it would be desirable for the voucher scheme, for which our Minister is directly responsible, to be considered by a Committee under their [Home Office] Chairmanship. I think it is, in principle, appropriate that we should have the Chair.' (H. F. Rossetti, Deputy Secretary, ML, to Laurence Helsby, Permanent Secretary, ML, 13 Feb 62, LAB8/2726)

³ Laurence Helsby, Permanent Secretary, ML, to Charles C. Cunningham, Permanent Under-Secretary, HO, 15 Feb 62, LAB8/2726.

⁴ Charles C. Cunningham, Permanent Under-Secretary, HO, to Laurence Helsby, Permanent Secretary, ML, 20 Feb 62, LAB8/2726.

The new inter-departmental official committee "Voucher Working Party" (code VWP) was decided to be chaired by an Under Secretary of the Ministry of Labour (C. J. Maston, Employment Department). The voucher scheme under the new Act was supposed to be administered in the light of factors such as employment, housing, health, education, opinion in the Commonwealth, and assimilation into the community.⁵ Accordingly the VWP was represented by eight departments - four major departments, *i.e.* Home Office, Colonial Office, Commonwealth Relations Office, Ministry of Labour, and four departments concerned with social policy, *i.e.* Ministry of Education, Ministry of Health, Ministry of Housing and Local Government, Ministry of Pensions and National Insurance. The Treasury, which had strongly opposed the introduction of the Commonwealth Immigrants Act, did not have a seat at this civil servant forum also at this time.

At the beginning of the first meeting held on 15 March 1962, the Chairman of the new committee clearly delineated the objectives of the committee from that of the CWP(3), emphasising that 'the working party [VWP] was not intended to take the place of the Home Office working party [CWP(3)], but would limit itself to consideration of problems arising from the Voucher Scheme, including the numbers of vouchers to be issued'.⁶ Many of the members, however, overlapped with that of the CWP(3) and it soon proved to be difficult for two official committees to co-exist within the same policy community, which led to the virtual winding up of the Home Office CWP(3) within a year.⁷

Recommendation by the VWP

⁵ Minutes of VWP meeting, 15 Mar 62, LAB8/2715, DO175/56, LAB8/2726.

⁶ Minutes of VWP meeting, 15 Mar 62, LAB8/2715, DO175/56, LAB8/2726, para.1.

⁷ The last confirmed meeting of the CWP(3) was held on 6 April 1962.

The initial job of the VWP was to recommend to ministers the rate at which vouchers should be issued. At its first meeting the VWP considered the factors bearing on the permissible volume of immigration and on the rate of issue of vouchers. As above, the main factors that should be taken into consideration, were employment, housing, health, education, opinion in the Commonwealth, and assimilation into the community.

The view of departments could not agree on a particular target on the number of immigration. Not all departments considered a decrease in immigration to be necessary. The Ministries of Labour and Housing supported a slight reduction. The Ministry of Labour considered that 'Ministers would insist on some cut in the 1961 net intake, especially if large numbers continued to come in during the first six months of 1962'.⁸ While the Colonial Office and the Commonwealth Relations Office, both of which hoped to secure sufficient share for Colonies and the Commonwealth respectively, were reluctant to cut down severely or at least did not wish to press for a reduction. Meanwhile, the Home Office did not show its position clearly at the beginning of the new scheme. Reflecting the difference in views, the proposed figures of the net annual intake were so wide as to range from 40,000, the level of the three years 1955-57, when the question of legislation had been considered at the Cabinet, to 120,000, the level at which 'the employment situation justified'.⁹

The rate of voucher issue was initially set, when a report to ministers was drafted by the Ministry of Labour, on the basis of the annual intake of 70,000 new Commonwealth immigrants, the simple average of the net annual intake of the three years 1959-61. This figure was, however, reduced to 60,000 at the second meeting of the VWP on 10 April. This was the level of the year 1960, 'which in some

⁸ Minutes of VWP meeting, 15 Mar 62, LAB8/2715, DO175/56, LAB8/2726, p.3, para.10.

⁹ Minutes of VWP meeting, 15 Mar 62, LAB8/2715, DO175/56, LAB8/2726, p.4, para.12.

respects might be considered the last "normal" year for immigration'.¹⁰ This meant a rate of issue of almost 6,000 vouchers a month. This figure was finally reported to the Minister of Labour.

As regards the way in which vouchers would be issued, the Ministry of Labour preferred the "first come, first served" principle as this was considered to be 'the simplest and fairest alternative'.¹¹ This point had been already discussed at a meeting of civil servants held at the Home Office on 10 November 1961 shortly before the Commons' Second Reading of the Commonwealth Immigrants Bill. The meeting was represented by the Home Office, Ministry of Labour, Commonwealth Relations Office and Colonial Office. On category C vouchers, the Home Office showed reluctance to apply the "first come first served" basis on issuing this category of vouchers. The Department thought that 'Ministers might be very reluctant to accept a situation in which large numbers of immigrants from Asia were admitted . . . with the result more acceptable immigrants from the West Indies, and still more from the "White Dominions", could not obtain vouchers'.¹² However, Commonwealth countries had been told that there would be no "country quotas", and in fact 'the Government of Pakistan had expressly asked that applications from Pakistanis should in no way be prejudiced'.¹³ Therefore civil servants had tentatively agreed that 'while applications from each country would have to be taken in chronological order, some system of allocation between countries within category "C" would have to be devised'.¹⁴ Based on this agreement in October 1961, civil servants at the VWP decided to issue vouchers in Category C to persons in each country in accordance with the proportion of applications received from that

¹⁰ Minutes of VWP meeting, 10 Apr 62, LAB8/2715, DO175/56, p.1, para.2.

¹¹ Minutes of VWP meeting, 15 Mar 62, LAB8/2715, DO175/56, LAB8/2726, p.4, para.13.

¹² Operation of voucher system: minutes of a meeting, 10 Nov 61, CO1032/308, p.3.

¹³ Operation of voucher system: minutes of a meeting, 10 Nov 61, CO1032/308, p.3.

¹⁴ Operation of voucher system: minutes of a meeting, 10 Nov 61, CO1032/308, p.3.

country.¹⁵

The view of the Home Office

As had made at the civil servant level, the renewal of the ministerial committee followed. On 1 May, the existing ministerial committee CCM, which last met on 29 September 1961, was formally wound up and in its place a new ministerial committee, "Commonwealth Immigration Committee" (code CIC), was established in order 'To consider problems relating to Commonwealth immigration into the United Kingdom'.¹⁶ The CIC was composed of the Lord Chancellor (Viscount Kilmuir) as Chairman, ministers of the four major departments - Home Secretary (R. A. Butler), Commonwealth Secretary (Duncan Sandys), Colonial Secretary (Reginald Maudling) and the Minister of Labour (John Hare), three ministers of social service departments - Minister of Housing (Charles Hill), Minister of Pensions (John Boyd-Carpenter), and Minister of Health (Enoch Powell), one minister from the regional department - Scottish Secretary (John MacLay), one law minister - Attorney-General (Reginald Manningham-Buller), and, importantly, one minister from the economic department - Treasury Financial Secretary (Edward Boyle). In line with the four main departments, the Treasury, which had not been given a place in the formation process of the 1962 Act, at last had an institutional place in the government discussions. However, the Department still did not have a permanent place in civil servant discussions, which were dominated by the above mentioned four departments.

Regardless of the civil servants' agreement in the VWP, ministers were divided as to the rate of voucher issue at the first meeting of the ministerial committee CIC held on 3 May (CIC(62)1st). The VWP had recommended the rate

¹⁵ Minutes of VWP meeting, 15 Mar 62, LAB8/2715, DO175/56, LAB8/2726, p.4, para.13.

¹⁶ CCM(62)1, 1 May 62, CAB134/1469; CIC(62)1, 1 May 62, CAB134/1507.

of issue of vouchers 6,000 a month, which would produce the net annual coloured immigration of 60,000, approximately the level recorded in 1960. This figure was supported by the Commonwealth and Colonial Secretaries and the Treasury Financial Secretary on the grounds that 'Assurance had been given that the Act would be implemented liberally' and that 'A net annual intake of 60,000 might be very helpful as the economy expanded'.¹⁷

However, there was a view among ministers that the net annual intake of 60,000 would be excessive.¹⁸ In fact, even at the civil servant level the Home Office was doubtful about the figure agreed in the VWP. The Department had a 'considerable doubt' 'about the degree of social assimilation which had been achieved'.¹⁹ It wanted to set a figure as low as possible. The view of the Department was that the year 1960 should not be regarded 'as a year of "normal" immigration', as the year 1960 was the year whose intake 'led Ministers to conclude that legislation must be introduced'.²⁰ The Department thought, considering that the average inflow for the five years 1956-1960 was less than 40,000 a year, 'if we now went beyond that figure, the public would wonder why we introduced the Bill'.²¹

Therefore at the CIC meeting on 3 May, the Home Office minister (David Renton, Minister of State), proposed, instead of the figure proposed from civil servants, the smallest figure ever arguing. He claimed that 'A better view might be to regard 1961 as a wholly abnormal year and to aim at a net annual intake which corresponded with the average for the previous five years - say 36,000'.²² According to the calculations by the Ministry of Labour, the net annual intake of

¹⁷ CIC(62) 1st meeting, 3 May 62, CAB134/1507, p.2.

¹⁸ CIC(62) 1st meeting, 3 May 62, CAB134/1507, p.1.

¹⁹ CIC(62) 1st meeting, 3 May 62, CAB134/1507, p.1.

²⁰ CIC(62)4, 11 May 62, CAB134/1507, para.2.

²¹ CIC(62)4, 11 May 62, CAB134/1507, para.2.

²² CIC(62) 1st meeting, 3 May 62, CAB134/1507, p.1.

60,000 and 36,000 coloured immigrants, meant the monthly rate of voucher issue of respectively 6,000 and 4,000.²³

With these differences in views, ministers could not achieve a conclusion. The difference between the Home Office and other Departments was unlikely to be resolved soon. The Ministry of Labour had already been receiving applications for vouchers. Therefore, in the next CIC meeting held on 15 May (CIC(62)2nd), the Minister of Labour (John Hare) sought the Committee's approval for temporary authority to issue vouchers to applicants only for A and B vouchers namely, vouchers for those with specified skills and vouchers for those who obtained the offer of a concrete job. This was approved by ministers of the Committee. They decided that the Minister of Labour ought 'to consult them again about the issue of vouchers under the Commonwealth Immigrants Act when the total of the A and B vouchers issued and the pending applications for C vouchers was in the region of 3,000'.²⁴

However, this number was not enough even to process applications at the initial stage. Civil servants in the Ministry of Labour had pointed out there would be a serious delay from the start and they worried that this delay might cause a bad impression among Commonwealth governments.²⁵ Therefore only two days after the above CIC meeting, on 17 May, the Minister of Labour was to obtain a new authority from the Committee Chairman (Viscount Kilmuir) to issue up to the total of 1,000 vouchers.²⁶ This was further followed by another authority from Committee members that vouchers should be issued at a rate of not more than 500 a

²³ CIC(62)3, 11 May 62, CAB134/1507.

²⁴ CIC(62) 2nd meeting, 15 May 62, CAB134/1507, p.2.

²⁵ John Hare, Ministry of Labour, to Viscount Kilmuir, Lord Chancellor, 17 May 62, LAB8/2729.

²⁶ John Hare, Ministry of Labour, to Viscount Kilmuir, Lord Chancellor, 17 May 62, LAB8/2729; Viscount Kilmuir, Lord Chancellor, to John Hare, Minister of Labour, 21 May 62, LAB8/2729.

week (approximately 2,000 a month).²⁷

True, this rate 'enabled practically all the applications which had been received to be granted'.²⁸ However, after 1st July, when the Commonwealth Immigrants Act became operative, a substantial increase in applications was expected. According to the calculations by the Ministry of Labour, the rate needed to be increased to 4,000 a month (approximately 1,000 a week) 'if a substantial backlog of applications was thereafter to be avoided'.²⁹ This number corresponded to the net annual intake of 36,000, which was the lower of the two figures considered in the Committee's previous discussions and previously supported by the Home Office.

The Minister of Labour therefore proposed, at the CIC meeting on 28 June (CIC(62)3rd), to double the limit to 4,000 a month. However, the Home Office opposed this raise of the rate of issue. Though at last a compromising figure of 750 a week proposed by the Chairman was accepted by ministers on the condition that this rate would be effective only until the end of July,³⁰ the differences in positions between the Home Office and other Departments towards the rate of issue of vouchers was too substantial to be easily resolved.

In fact the Home Office was regarding the voucher system as the measure to restrict immigration so that the Department thought that it should be unnecessary to process all the application. Its view expressed in the CIC meeting was that: 'There were . . . advantages in fixing a rate which would not enable all applications to be granted as soon as the formalities had been completed, since otherwise it might be

²⁷ John Hare, Minister of Labour, to Viscount Kilmuir, Lord Chancellor, 5 Jun 62, LAB8/2729; Viscount Kilmuir, Lord Chancellor, to John Hare, Minister of Labour, 6 Jun 62, LAB8/2729; CIC(62)5, 25 Jun 62, CAB134/1507, p.1, para.1.

²⁸ CIC(62) 3rd meeting, 29 Jun 62, CAB134/1507, p.1.

²⁹ CIC(62) 3rd meeting, 29 Jun 62, CAB134/1507, p.1.

³⁰ CIC(62) 3rd meeting, 29 Jun 62, CAB134/1507, p.2.

suggested that there had been no need to introduce the recent legislation; and if there were no effective limitation of immigration at the beginning of the control, it might be more difficult to start to refuse or defer applications later'.³¹ Meanwhile the position of the Ministry of Labour, which was supported by the Commonwealth Relations Office in particular, was that: 'Assurances had been given that it [the voucher scheme] would be administered liberally, and if this could be demonstrated in the figures for vouchers applied for and granted during the first few months, other Commonwealth Governments might be less disposed to criticise the way in which the Act was operating if later it was necessary to deter a large proportion of applications'.³² The difference in view as to the rate of voucher issue was concerned with the purpose of the voucher system - whether it was for rejecting immigration or for managing immigration.

It was between the Home Office and other Departments that the major difference in views existed. However this was transformed by the Home Office into the one between ministers and civil servants. In this period the Home Office had lost the central position among civil servants of the Department concerned. The Ministry of Labour took initiatives in the discussion at the official committee VWP. The Home Office found it difficult to have its opinion dominate at the civil servant level. It therefore tried to avoid the discussion in the VWP and directly brought its view into the ministerial committee where the equal institutional status was guaranteed to the Home Office and the Ministry of Labour under the chairmanship of the Lord Chancellor. As a result, the views and proposals produced at the official committee VWP were often dismissed or reversed at the ministerial committee.

³¹ CIC(62) 3rd meeting, 29 Jun 62, CAB134/1507, p.1.

³² CIC(62) 3rd meeting, 29 Jun 62, CAB134/1507, pp.2-3.

2. Resumption of the Initiative by the Home Office

Impact of the Cabinet reshuffle of July 1962

This situation was finally to be resolved in favour of the Home Office. Despite this Department losing its initiative at the civil servant level, it obtained an institutional backing at ministerial level and thus regained initiatives in the whole government discussion. In this course the event occurred in July 1962 was especially important. This month, following the successive poor records in by-elections, Prime Minister (Harold Macmillan) carried out 'the biggest Cabinet reshuffle of the post-war period'.³³ In "the night of long knives" on 12/13 July, he sacked seven Cabinet members and four junior ministers.³⁴

The reshuffle brought radical changes to the circle of those managing Commonwealth immigration. Firstly, the ministerial responsibility for the Colonial Office and the Commonwealth Relations Office was amalgamated. Duncan Sandys was appointed Secretary of State for Commonwealth Relations and for the Colonies. The importance of these two Departments in Whitehall had decreased by this time reflecting gradual changes in policy priorities regarding external relations.³⁵ These two Departments were gradually losing status also in the policy community on Commonwealth immigration, in which the Ministry of Labour and the Home Office were the two major actors after the introduction of the Commonwealth Immigrants

³³ David Childs, *Britain since 1945: A Political History* (London, Routledge, 3rd ed., 1992), p.140.

³⁴ Richard Lamb, *The Macmillan Years 1957-1963: The Emerging Truth* (London, John Murray, 1995), p.523; Keith Alderman, 'Harold Macmillan's "Night of the Long Knives" ', *Contemporary Record*, 6, 2 (1992), 243-65.

³⁵ Until October 1963 separate junior ministers were placed in each Department. Both Department were merged as a single Commonwealth Office in July 1965 (Joe Garner, *The Commonwealth Office, 1925-68* (London, Heinemann, 1978), p.411.

Act.

Secondly, there was a large change in membership of the ministerial committee CIC, which in fact was the largest change in the history of standing ministerial committees on Commonwealth immigration from 1955. Five of the eleven members left the committee, including two of the most influential figures. Viscount Kilmuir, Lord Chancellor was sacked, and R. A. Butler, Home Secretary, was promoted to First Secretary of State.³⁶ With the exclusion of Lord Chancellor from the Committee and the abolition of the Colonial Secretary post, the number of the Committee members decreased to nine.³⁷ Three new members joined the Committee. Henry Brooke became Home Secretary from being Chief Secretary to the Treasury and Paymaster-General. Michael Noble and Keith Joseph were respectively appointed as Scottish Secretary and Minister of Housing. Earl Jellicoe became Minister of State at the Home Office.

The most substantial change in terms of the impact on the policy process was the appointment of the Home Secretary as chairman of the Committee. This meant that the Home Office resumed its institutional basis for leading the government discussion. The initiative in the policy community was thereafter to shift towards the Home Office and this led the government policy towards restrictiveness.

Towards greater restrictiveness

Despite the failed attempt on 28 June to raise the weekly limit of vouchers to 1,000,

³⁶ The other changes in the Ministerial Committee was: Reginald Maudling, Colonial Secretary, whose post was abolished, became Chancellor of the Exchequer; John MacLay, Scottish Secretary, and Charles Hill, Housing Minister, were both sacked. David Renton, Minister of State of the Home Office, an informal member, but important permanent attendant, of the Committee and this policy area was also sacked.

³⁷ CIC(62)7, 26 Jul 62, CAB134/1507.

the Ministry of Labour was still thinking that 'In order to avoid an embarrassing backlog of applications',³⁸ a weekly issue of 1,000 was necessary. In fact, the Ministry of Labour managed to obtain some success in late July when the Minister of Labour (John Hare) again sought to raise the rate of voucher issue to 4,000 a month or, 1,000 a week, at the first CIC meeting after the large change in membership, on 23 July 1962 (CIC(62)4th). The rate was raised to 900 a week from 750. However, this was the last remarkable success for the Ministry of Labour.

Two months later in September 1962, the Ministry failed to obtain a new relaxation. At the CIC meeting on 21 September (CIC(62)5th), the Minister of Labour for the third time asked to raise the rate of issue to 1,000 a week.³⁹ Applications for vouchers were rising to an average of over 2,000 a week. This meant that, if the rate of voucher issue remained at 900 a week, 'the delay before an applicant could be granted a Category C voucher would be six months or more by the end of the year'.⁴⁰

The Home Office minister (Earl Jellicoe) strongly objected another rise. Social concerns were raised as had been so in the discussion leading to the Commonwealth Immigrants Act. It was claimed in the meeting that 'It would be very difficult to reduce the rate if it were found that it led to a much larger increase in the net coloured intake than had been assumed'.⁴¹ Though the figures for unemployment among coloured Commonwealth immigrants showed a slight decrease, the number was perceived to be 'still substantially higher than the number unemployed a year previously'.⁴² Public anxiety about immigration was also raised. It was claimed that 'In areas where coloured immigrants had congregated there was

³⁸ CIC(62) 4th meeting, 23 Jul 62, CAB134/1507.

³⁹ CIC(62) 5th meeting, 21 Sep 62, CAB134/1507, p.1.

⁴⁰ CIC(62) 5th meeting, 21 Sep 62, CAB134/1507, p.1.

⁴¹ CIC(62) 5th meeting, 21 Sep 62, CAB134/1507, p.3.

⁴² CIC(62) 5th meeting, 21 Sep 62, CAB134/1507, p.3.

a good deal of public resentment about the large numbers who were in receipt of National Assistance, and the situation contained a political threat to public order'.⁴³

The institutional situation had become advantageous for the Home Office. The Home Secretary (Henry Brooke), as the Chairman of the CIC, decided to maintain the rate at 900 a week. This rate was to be kept for three months until the CIC meeting on 10 December 1962, when the CIC decided to change the concept of a maximum limit.

Introduction of "disregarded" vouchers

At the end of October 1962, the delay in the issue of vouchers had increased to six months and, according to calculations by the Ministry of Labour, it was expected to reach twelve months in early 1963.⁴⁴ It had become evident that a revision of the process of voucher issue was essential if the limit of voucher issue were to be strictly set as it was. Within only four months from its start, the voucher scheme was in a serious difficulty and needed its first modification. It had also become evident that only a small number (18 per cent) of voucher-holders had arrived in the UK.⁴⁵ As far as India and Pakistan were concerned, this figure was as low as 4 and 3 per cent respectively due to the rigid conditions imposed by their governments on the issue of passports.⁴⁶ The Ministry of Labour had judged that the failure of category C applicants to make use of the vouchers issued to them created an unnecessary log-jam.

In these circumstances the Ministry produced a couple of solutions, which were brought to the inter-departmental discussion. They were: that vouchers should

⁴³ CIC(62) 5th meeting, 21 Sep 62, CAB134/1507, p.3.

⁴⁴ CIC(62) 6th meeting, 30 Oct 62, CAB134/1507, p.1.

⁴⁵ CIC(62) 6th meeting, 30 Oct 62, CAB134/1507, p.2.

⁴⁶ CIC(62) 6th meeting, 30 Oct 62, CAB134/1507, p.2.

not be issued unless the applicants could prove he/she possessed the travel documents necessary to enable the person to come to the UK; that the period for which a voucher was valid should be reduced from six months to, for example, three months; and that vouchers should show clearly when they were due to expire so that the holders should realise how much time they had.⁴⁷ The VWP had two successive meetings on 15 and 23 November and accepted the Ministry of Labour's proposal to exempt the vouchers issued to Indians and Pakistanis who did not provide passport details from counting in the limit until they were collected, with a valid passport being shown.⁴⁸ The Commonwealth Relations Office for its part had a worry about this proposal as it 'would entail special administrative arrangements discriminating against India and Pakistan which could cause us great embarrassment if they became known publicly'.⁴⁹ Nevertheless, the Ministry of Labour decided to propose to the ministerial committee CIC to set the limit of 600 a week for this new categories of exempted applications, as well as to keep the current limit of ordinary issue at 900 a week.

The proposal of the new measures was supported by ministers at the CIC meeting on 10 December (CIC(62)7th), though there was some reservation from the Commonwealth Relations Office, that 'a practical way of dealing with a problem which caused injustice to Commonwealth countries other than India and Pakistan'.⁵⁰ Ministers endorsed the Ministry of Labour proposal that a maximum of 600 a week

⁴⁷ CIC(62) 6th meeting, 30 Oct 62, CAB134/1507, p.2.

⁴⁸ Main Conclusions of Informal VWP Meetings, 15 and 23 Nov 62, LAB8/2715, DO175/56, p.2. Meanwhile, the reduction of period of validity of vouchers was rejected on the ground that 'This would not necessarily have the effect of clearing the back-log more quickly and was almost certain to increase the volume of work on renewals, and the inconvenience caused to applicants' (Main Conclusions of Informal VWP Meetings, 15 and 23 Nov 62, LAB8/2715, DO175/56, p.1).

⁴⁹ CIC(62) 7th meeting, 10 Dec 62, CAB134/1507, p.3.

⁵⁰ CIC(62) 7th meeting, 10 Dec 62, CAB134/1507, p.4.

vouchers would be issued for applications from Indian and Pakistanis without showing valid passports. At the same time, however, they decided to reduce the weekly rate of the issue of other vouchers from 900 to 750. This was because the Home Secretary (Henry Brooke) strongly demanded that restrictive measures should be taken. He was of the opinion that, given the high and rising rate of unemployment, 'the Government ought not to do anything likely to increase the number of Commonwealth immigrants actually arriving' in the UK.⁵¹ Therefore, he claimed that 'at the very least, if the proposals by the Minister of Labour were adopted, the weekly rate of issue of vouchers should be reduced' and this opinion at last became the ground on which the rate of voucher issue was reduced.⁵²

Introduction of the "one-quarter rule"

The new scheme of "disregarded" vouchers worked well for the time being. Delays in the issue of vouchers were reduced to below six months in January 1963.⁵³ Ministers confirmed at the CIC meeting on 23 January 1963 (CIC(63)1st) that the new scheme 'appeared to have worked satisfactorily'.⁵⁴ The arrangements were to be continued until July 1963 by decisions at three meetings of January, March and May 1963 (CIC(63)1st, 2nd, 3rd).

However, from the end of 1962, a change in situations had occurred. Due to a relaxation of passport control by the government of Pakistan, there had been a marked increase in applications for C vouchers from Pakistan.⁵⁵ According to a Ministry of Labour memorandum sent to the VWP in late February 1963, the situation was as follows: 'When the scheme started, India took an early lead over all

⁵¹ CIC(62) 7th meeting, 10 Dec 62, CAB134/1507, pp.3-4.

⁵² CIC(62) 7th meeting, 10 Dec 62, CAB134/1507, p.4.

⁵³ CIC(63) 1st meeting, 23 Jan 63, CAB134/1508.

⁵⁴ CIC(63) 1st meeting, 23 Jan 63, CAB134/1508, p.2.

⁵⁵ CIC(63) 2nd meeting, 20 Mar 63, CAB134/1508, p.1.

other countries within category "C", and by the end of November, 1962, had put in 17,257 applications (50% of the category "C" total), compared with Pakistan's 9,281 (27%). From December onwards Indian applications dropped away and Pakistani ones increased very rapidly, until by 15th February, 1963, Pakistan had put in 24,241 applications (44% of the total), compared with India's 20,307 (37%). Thus at this date the two countries between them accounted for 81% of all category "C" applications'.⁵⁶ The Ministry came to worry more than ever about the impact of the log-jam of applications to countries other than India and Pakistan.⁵⁷ A raise in the rate of "disregarded" vouchers was not effective considering the relaxation of the issue of passports in Pakistan.

The problem was felt to be concerned with the "first come, first served" principle of issuing vouchers. The Ministry of Labour had in mind a couple of alternative measures to the "first come, first served" principle. At first, the idea to limit applications from Pakistan feeding into the examination queue was proposed to the other Departments in April. This was to set up a limit within which the number of category C applications from Pakistan to feed each month into the main queue. In the VWP meeting on 19 April this proposal was accepted.⁵⁸ In the negotiation between the Ministry of Labour and the Commonwealth Relations Office, the limit was tentatively set at 2,500 a month.⁵⁹ However, this arrangement would need an agreement by the Government of Pakistan and the negotiation was rejected by the UK High Commissioner in Pakistan. When asked about this by the Commonwealth Relations Office, he expressed 'considerable doubts about its

⁵⁶ Category 'C' applications from India and Pakistan: Effect on 'first come, first served', n.d.[25 Feb 62], LAB8/2715, LAB8/2860.

⁵⁷ CIC(63)4, 9 May 63, CAB134/1508.

⁵⁸ Conclusions of informal VWP meeting, 19 Apr 63, LAB8/2715, DO175/56.

⁵⁹ CIC(63)4, 9 May 63, CAB134/1508.

acceptability to the authorities' of Pakistan.⁶⁰ The proposal to limit applications from Pakistan feeding into the examination queue was thus failed.

Secondly, the Ministry of Labour proposed in mid June to set up a limit of 1,100 a month for each country on the number of Category C applications feeding into the examination queue.⁶¹ This plan would be, the Ministry of Labour thought, preferable to the previous one aimed only at Pakistan. However, this plan was opposed by the Home Office. The Home Office thought that the plan was too complicated, and moreover, it would in fact result in guaranteeing a quota of 1,100 a week to India and Pakistan even if the total number of voucher issue was reduced.⁶² A quota system was an idea which had been consistently opposed within the government.

Both plans proposed by the Ministry of Labour were consequently rejected. The Home Office, instead, proposed to the Ministry of Labour in late June an idea to set up a limit on the issue of vouchers for each country to one quarter or one third of the total number of voucher issue in a specific period.⁶³ This idea was supported by the Colonial Office which disliked a quota system.⁶⁴

In the meantime, the high rate of applications from Pakistan continued and applications from India also increased.⁶⁵ Some measures, probably more radical

⁶⁰ CIC(63)5, 3 Jul 63, CAB134/1508, p.3, para.10.

⁶¹ A. M. Morgan, Assistant Secretary, ML, to R. F. Wood, Assistant Secretary, HO, 19 Jun 63, LAB8/2860.

⁶² R. F. Wood, Assistant Secretary, HO, to A. M. Morgan, Assistant Secretary, ML, 20 Jun 63, LAB8/2860.

⁶³ R. F. Wood, Assistant Secretary, HO, to A. M. Morgan, Assistant Secretary, ML, 20 Jun 63, LAB8/2860.

⁶⁴ T. C. Jerrom, Assistant Secretary, CO, to A. M. Morgan, Assistant Secretary, ML, 25 Jun 63, LAB8/2860.

⁶⁵ By early July, the waiting period for the issue of a C voucher had swollen to three years. 90,000 applications for C vouchers were outstanding from India and Pakistan, and 6,000 new applications

ones were needed to deal with the log-jam of applications. In these circumstances the Ministry of Labour decided to make concessions. Accepting the suggestion by the Home Office, the Ministry of Labour proposed three measures to the ministerial committee CIC. They were: to stop all further issue of "disregarded" vouchers; instead to raise the weekly rate of issue from 750 to 900 vouchers; and, to arrange no Commonwealth country receiving more than one quarter of the total number of category C vouchers issued in any one week.⁶⁶ With these measures, the waiting period for applications from countries other than India and Pakistan should 'be kept within reasonable limits'.⁶⁷

Ministers in the CIC meeting of 8 July (CIC(63)4th) accepted to introduce the proposed "one-quarter rule" and to stop the issuing of "disregarded" vouchers. However, with regard to raising the voucher issue from 750 to 900, the Home Secretary as the Chairman of the Committee concluded to continue the weekly rate of 750.⁶⁸ The Home Office was strongly opposed to any relaxation. The view of the Department was that: 'Since the number of vouchers taken up had been rising and it was difficult to be sure that even on the present quotas the net coloured immigration in the coming year would not go markedly above the total for the past twelve months'.⁶⁹

3. Change in the View of the Ministry of Labour

were being received each week from these two countries (CIC(63) 4th meeting, 8 Jul 63, CAB134/1508).

⁶⁶ CIC(63)5, 3 Jul 63, CAB134/1508, p.3, para.12.

⁶⁷ CIC(63) 4th meeting, 8 Jul 63, CAB134/1508, p.2.

⁶⁸ CIC(63) 4th meeting, 8 Jul 63, CAB134/1508, p.3.

⁶⁹ CIC(63) 4th meeting, 8 Jul 63, CAB134/1508, p.3.

Endorsement of reduction in voucher issue

In October 1963, with the sudden resignation of Harold Macmillan due to illness, Alec Douglas-Home (the Earl of Home) succeeded him as Prime Minister. Henry Brooke (Home Secretary) and Duncan Sandys (Commonwealth Secretary) remained in office. Replacing John Hare, Joseph Godber was promoted from Minister of State for Foreign Affairs to Minister of Labour. Meanwhile, Norman Brook had already been succeeded by Burke Trend as Cabinet Secretary in January 1963. The new ministerial committee CCI was appointed shortly afterwards. Composition and terms of reference of the CCI were exactly the same as its predecessor CIC.⁷⁰

While the voucher scheme was successively modified by the introduction of "disregarded" vouchers and the "one-quarter rule", the net entry to the UK had shown a gradual increase towards the autumn of 1963. The net immigration to the UK during the two months of July and August in 1963 reached 10,000. In particular the arrival of voucher holders was increasing. From May to August, the monthly figure of their arrival changed from 1,944, 2,589, 3,103, then 3,248. Of the figures of July and August, more than 3,000 in each month comprised India and Pakistan. These indicated that the net annual immigration of coloured immigrants would be some 50,000 to 60,000, which was as large as in 1960, the year when the Home Office finally decided to put forward legislation.⁷¹ In the meantime applications for vouchers had further increased, in particular those from India. By the end of September 1963 there were 207,000 applicants in the queue for C vouchers, of whom 9,000 were from countries other than India and Pakistan.⁷²

The large increase in the arrival of voucher holders alarmed both civil servants and ministers. A completely new principle for the issuing of vouchers was

⁷⁰ CCI(63)1, 25 Oct 63, CAB134/1468.

⁷¹ CIC(63) 5th meeting, 2 Oct 63, CAB134/1508, p.1.

⁷² CCI(63) 1st meeting, 6 Nov 63, CAB134/1468, p.1.

inevitable. Under these circumstances the position of the Ministry of Labour towards the voucher scheme was to change. Giving up its previous idea, the Ministry decided in September 1963 to propose urgently two measures aiming at restricting immigration. They were a drastic reduction of the rate of voucher issue and a moratorium on applications of C vouchers from India and Pakistan.⁷³ The unexpected increase in immigration was largely due to the taking up of "disregarded" vouchers as a result of the relaxation of passport controls in India and Pakistan.⁷⁴ The last "disregarded" vouchers, which was issued at the end of July, would not expire until the end of January 1964. "Disregarded" vouchers issued to these two countries were being taken up in considerable numbers. Claimed "disregarded" vouchers, together with vouchers issued to "applicants with priority" (C vouchers for which priorities was given to persons who had served in the British armed forces), had exceeded the numbers available for India and Pakistan under the "one-quarter rule".⁷⁵ In fact the number of claimed "disregarded" vouchers were not counted against the quota for India and Pakistan. This arrangement might not only 'appear unfair to other Commonwealth countries',⁷⁶ but also was felt to be undesirable in the light of the anxiety about the increasing influx.

However, it was difficult to put the claimed "disregarded" vouchers subject to the "one-quarter rule". If "disregarded" vouchers were to be counted against the quota, it was highly likely that these countries would 'complain that they were not in fact receiving the 25 per cent which they had been told they would be allowed under the new arrangements'.⁷⁷ The current arrangements were therefore left in place until

⁷³ CIC(63) 5th meeting, 2 Oct 63, CAB134/1508, p.1; CIC(63) 6th meeting, 7 Oct 63, CAB134/1508, p.1.

⁷⁴ CIC(63)9, 25 Sep 63, CAB134/1508.

⁷⁵ CIC(63) 5th meeting, 2 Oct 63, CAB134/1508, p.1.

⁷⁶ CIC(63) 5th meeting, 2 Oct 63, CAB134/1508, p.2.

⁷⁷ CIC(63) 5th meeting, 2 Oct 63, CAB134/1508, p.2.

the last "disregarded" voucher expired in January 1964. In the meantime, the claim for "disregarded" vouchers was to remain a factor outside of the UK government's control. It was impossible for the British government to control immigrants coming with valid vouchers.

On this condition, a restriction of the fresh issue of vouchers appeared as a major subject of discussion. According to the calculations by the Ministry of Labour, the effect of the reduction in the rate of voucher issue was that: the figure of 600 vouchers a week would 'allow a small flow of C vouchers to all Commonwealth countries'; the figure of 500 a week would 'make it possible to deal with Forces priority C vouchers'; and the figure of 400 a week would 'provide only for A and B vouchers'.⁷⁸ Accordingly, ministers had two successive CIC meeting on 2 and 7 October (CIC(63)5th, 6th). At the meeting of 7 October ministers decided to reduce the issue of vouchers from 750 a week to 500, as well as that the new issue of C vouchers to India and Pakistan should be suspended for the time being (CIC(63)6th).⁷⁹

With this reduction, the revision of the criteria of issuing A and B vouchers became essential to keep C vouchers. Both the Commonwealth Relations Office and the Colonial Office opposed the elimination of C vouchers and wanted to keep a small number of C vouchers for areas such as the West Indies, St Helena and the Falkland Isles.⁸⁰ At an informal meeting of the VWP on 24 October attended by the Ministry of Labour, Home Office, Colonial Office and Commonwealth Relations Office, a package of plans to shape up the criteria for A and B vouchers was proposed by the Ministry of Labour and was accepted.⁸¹ These were: for A

⁷⁸ CIC(63) 6th meeting, 7 Oct 63, CAB134/1508, p.1.

⁷⁹ CIC(63) 6th meeting, 7 Oct 63, CAB134/1508, p.1.

⁸⁰ Minute by A. M. Morgan, Assistant Secretary, ML, n.d.[17 Dec 63], LAB8/2860; Background note on the attitude of other Departments, n.d. [Nov 64], LAB8/2715.

⁸¹ Note for meeting, 24 Oct 63, DO175/58.

vouchers, (i) the current working rules of the Ministry of Labour should in respect of a genuine vacancy of job be endorsed; (ii) more evidence should be required from an employer for the applicant; (iii) the requirement of attachment of photograph in the application form should be extended to A voucher applications from India and Pakistan; (iv) vouchers should be transmitted through official channels, not through employers; (v) available and suitable local labour should always be brought to the notice of the prospective employers. For B vouchers, (i) male shorthand typists should be excluded from the list of category; (ii) the teacher's vouchers should only be issued to applicants whose qualifications are acceptable in the UK; (iii) graduates should be accepted only if they had at least two years employment in suitable work in the home territory following graduation.⁸² This modification of the working rules for the A and B voucher issue was basically endorsed by ministers at the first meeting of the new ministerial committee CCI under the Douglas-Home government, held on 6 November (CCI(63)1st).

Despite the agreements among civil servants and endorsement by ministers, the Home Office for its part wanted the smallest possible number of voucher issue, *i.e.* 400 vouchers a week.⁸³ At the CCI meeting on 6 November (CCI(63)1st), the Department proposed a further reduction to 400 vouchers a week.⁸⁴ This not only meant the total elimination of C vouchers but also contained a risk 'to make it impossible to issue A and B vouchers to all those who qualified for them' as 'More than 400 applications for A and B vouchers were coming in each week and the figure was likely to increase'.⁸⁵ The Ministry of Labour hoped to maintain the level of 500 a week. The Commonwealth Relations Office also opposed a further

⁸² CCI(63)4, 1 Nov 63, CAB134/1468, Appendix III, p.4, paras.12-3.

⁸³ Note for meeting, 24 Oct 63, DO175/58.

⁸⁴ CCI(63) 1st meeting, 6 Nov 63, CAB134/1468, p.1.

⁸⁵ CCI(63) 1st meeting, 6 Nov 63, CAB134/1468, p.1.

reduction on the ground that it would eliminate C vouchers, which 'would bear particularly hard on the West Indies' and this would 'give added prominence to the disregarded vouchers taken up in India and Pakistan'.⁸⁶

However, the increase in the arrival of voucher-holders was expected to continue. According to the Home Office, 'the upward trend of immigration in the third quarter of 1963, together with the substantial number of vouchers outstanding and the many more Indian and Pakistani dependants arriving, suggested that net immigration in the second year of control might reach 60,000'.⁸⁷ Ministers at last decided on a reduction in voucher issues to 400 a week.

Moratorium of C voucher applications from India and Pakistan

As well as conceding on the point of the reduction in voucher issue, the Ministry of Labour was also considering from no later than June a moratorium on applications for non-priority C voucher from India and Pakistan.⁸⁸ The rate of issue of all vouchers was set at 400 a week, that is, approximately 20,000 a year. Meanwhile, there were more than 200,000 applicants outstanding for C vouchers at the end of September 1963, of whom only 9,000 were from countries other than India and Pakistan.⁸⁹ Moreover, as had explained above, the issue of C vouchers for applications from India and Pakistan had already been suspended since October. It was unrealistic to continue to take the stance to allow vouchers to all applicants in India and Pakistan.

However, a moratorium of applications was felt to involve political difficulties as this would be a large change in policy. In particular a moratorium

⁸⁶ CCI(63) 1st meeting, 6 Nov 63, CAB134/1468, p.1.

⁸⁷ CCI(63) 1st meeting, 6 Nov 63, CAB134/1468, p.1.

⁸⁸ A. M. Morgan, Assistant Secretary, ML, to R. F. Wood, Assistant Secretary, HO, 19 Jun 63, LAB8/2860.

⁸⁹ CCI(63) 1st meeting, 6 Nov 63, CAB134/1468, p.1.

limited only to India and Pakistan might be interpreted as discrimination to these two countries. Though a Commonwealth-wide moratorium was suggested as an alternative and at last the Ministry of Labour decided to propose to ministers a Commonwealth-wide moratorium on new non-priority C applications, this was still a large change in policy and thus contained political difficulties.⁹⁰

This issue was brought to the CCI meeting on 25 February 1964 (CCI(64)1st). It was explained that the measure 'could most conveniently be applied to India and Pakistan alone, but for political reasons it might have to be applied to the Commonwealth as a whole'.⁹¹ Ministers at this meeting postponed a decision, and instead they instructed the Commonwealth Relations Office representative (John Tilney, Parliamentary Under-Secretary) to consider further before making a decision.⁹² This was thought to bring difficulties both in terms of relations with the Commonwealth and of British domestic politics.

However, for civil servants it was felt that there was no way but to introduce a moratorium to avoid unexpected confusions which might be caused by the delay. In late February 1964, outstanding applications increased to nearly 300,000 applications, 150,000 from India and 120,000 from Pakistan. This meant 'New applicants from these countries would not receive a voucher for about fifty years'.⁹³ Civil servants at the VWP meeting on 11 May confirmed again that 'a moratorium on non-priority applications from India and Pakistan was inevitable'.⁹⁴

⁹⁰ This was also opposed by the Commonwealth Relations Office which hoped for a small number of vouchers for other areas such as the West Indies and poorer Colonial territories (Note of decisions, 10 Dec 63, LAB8/2715, DO175/58, paras.7; Proposed alternative to moratorium on non-priority applications, Apr 64, LAB8/2715, para.2; Back ground note on the attitude of other Departments, n.d. [Nov 64], LAB8/2715).

⁹¹ CCI(64) 1st meeting, 25 Feb 64, CAB134/1468, p.1.

⁹² CCI(64) 1st meeting, 25 Feb 64, CAB134/1468, p.2.

⁹³ CCI(64) 1st meeting, 25 Feb 64, CAB134/1468, p.1.

⁹⁴ Note of meeting (draft), 11 May 64, LAB8/2715, para.8.

The timing of the announcement was a particularly sensitive issue at this time in the political timetable. Two important events were near at hand. The Commonwealth Prime Ministers' Conference was due in July.⁹⁵ In the past two meetings in 1961 and 1962, there had been fierce controversies over the apartheid policies of South Africa and its membership, and also over the British application to the European Economic Community (EEC).⁹⁶ A general election was also due within five months. With these political agendas in mind, the Commonwealth Relations Office preferred the announcement of a moratorium to precede the Prime Ministers' Conference.⁹⁷ Accordingly, on 5 June, the Minister of Labour (Joseph Godber) announced in the written answers to the Commons that no non-priority Category C Indian and Pakistan application would be accepted for the time being.⁹⁸

4. Plans for a Change in Policy

Suspension of further Cabinet decisions

With the high rate of inflow from mid 1963, the social impact of immigration had been much concerned about by the Home Office.⁹⁹ By mid April 1964, the Department had confirmed its position to further reduce the rate of voucher issue

⁹⁵ The Commonwealth Prime Ministers' Conferences were held almost every year in the early 1960s. The number of the countries attending the conference had been increased with the rapid expansion in membership due to independence of African countries. Accordingly, pressure from Commonwealth countries in the conference had been increased.

⁹⁶ Garner, *The Commonwealth Office, 1925-68*, pp.349-50.

⁹⁷ Note of meeting (draft), 11 May 64, LAB8/2715, para.9.

⁹⁸ House of Commons, Parliamentary Debates, 'Commonwealth Immigrants (Vouchers)', House of Commons Official Report, Session 1963-64, Vol.695 (London, HMSO, 1964), 5 June 1964, col.216w.

⁹⁹ CM(64) 25th conclusions, minute 7, 30 Apr 64, CAB128/38/pt.2.

from 400 a week. True, alteration of the scheme for A and B vouchers had created some 'room, in a total of 400 a week, for the issue both of B vouchers and of a limited number of C vouchers'.¹⁰⁰ However, a further reduction meant the total elimination of C vouchers. At this stage where a moratorium of application for C vouchers from India and Pakistan almost being definitive though not yet formally being announced by the government, the Commonwealth Relations Office came to accept a further gradual reduction of the rate of issue of vouchers and even the 'elimination in category C'.¹⁰¹

Elimination of C vouchers was an important political decision. This would be an important departure from the current government policy and therefore should be notified in advance to Parliament. Elimination of C vouchers 'would be inconsistent with the Government's statements in Parliament during the debates on the Bill'.¹⁰² Accordingly, the government discussion on Commonwealth immigration was again raised to Cabinet level, for the first time since the Commonwealth Immigrants Act came into force in July 1962.

At the Cabinet meeting on 30 April (CM(64)25th), the issue was raised by the Home Secretary (Henry Brooke). He explained that the possibility of the elimination of C vouchers had become an issue, which, however, needed to be announced in Parliament well in advance.¹⁰³ At the same time it was explained that a radical change in policy would be very controversial because a general election was due by October, and a Commonwealth Prime Ministers' Conference was scheduled in July. These political factors worked strongly in ministers' decision. The Cabinet finally decided to shelve the issue for the time being and would not take any

¹⁰⁰ CCI(63) 2nd meeting, 19 Dec 63, CAB134/1468, p.1.

¹⁰¹ CM(64) 25th conclusions, minute 7, 30 Apr 64, CAB128/38/pt.2.

¹⁰² CM(64) 25th conclusions, minute 7, 30 Apr 64, CAB128/38/pt.2.

¹⁰³ *cf.* CP(64)89, 17 Apr 64, CAB129/117/pt.2, p.3, para.12.

decisions before the general election about a major change in policy on Commonwealth immigration.¹⁰⁴

However, at the same time, the Cabinet decided that in the meantime the government should give a comprehensive review on the voucher scheme for the new administration after the election in case the abolition of non-priority C vouchers became necessary. It was therefore decided that the Home Secretary should consider 'whether, on the assumption that the present policy as regards Commonwealth immigrants would be maintained, there would nevertheless be advantages in some gradual reduction in the rate of issue of category C vouchers'.¹⁰⁵

The impact of the economy

As the number of the issuing of vouchers was reduced so the economic perspective gradually gained in importance. A further reduction might lead to a reduction in essential labour for British industry. In fact, it was pointed out in the above Cabinet meeting on 30 April, that 'Any marked change of policy at the present time would be undesirable on broad political grounds, particularly since the social implications of the present rate of immigration had to be weighed against the advantages of an additional supply of labour'.¹⁰⁶

Since the summer of 1963, the economic dimension had been occasionally raised in government discussion. Two reports about economic surveys of immigration were produced by civil servants for ministers. At the CIC meeting on 2 October (CIC(63)5th), a report on the existing survey of the social and economic effects of coloured immigration was submitted. This was prepared by the Home Office in collaboration with the Treasury, the Ministry of Labour and the Ministry

¹⁰⁴ CM(64) 25th conclusions, minute 7, 30 Apr 64, CAB128/38/pt.2.

¹⁰⁵ CM(64) 25th conclusions, minute 7, 30 Apr 64, CAB128/38/pt.2.

¹⁰⁶ CM(64) 25th conclusions, minute 7, 30 Apr 64, CAB128/38/pt.2.

of Health.¹⁰⁷ The origin for this report was the statement of the Minister of Health (Enoch Powell) at the CIC meeting on 8 July 1963 (CIC(63)4th) that in some urban areas nearly half the maternity beds were occupied by coloured immigrants. Ministers at the CIC had then instructed the Home Secretary to 'arrange for officials to collate for the information of the Committee particulars of current research into, and information about, the social effects and the economic advantages and disadvantages of coloured immigration'.¹⁰⁸

The report by civil servants submitted at the CIC meeting on 2 October showed, according to the Home Secretary, 'a considerable amount of work on the social effect of coloured immigration but a comparatively dearth of information about economic factors'.¹⁰⁹ Ministers therefore decided that the Treasury and the Ministry of Labour should 'consider in more detail and in consultation with other Departments as necessary what particular lines of research into economic aspects of coloured immigration could be most usefully pursued and by what means'.¹¹⁰

The second examination on the surveys of economic aspects was carried out by the Treasury, the Ministry of Labour, the Home Office and the General Register Office.¹¹¹ Their report was submitted to the CIC from the Treasury eight months after, at its meeting on 6 July 1964 (CCI(64)2nd). The report concluded that an

¹⁰⁷ R. F. Wood, Assistant Secretary, HO, to O. L. Williams, Assistant Secretary, Treasury, 11 Sep 63, LAB8/2867; H. N. Roffey, Assistant Secretary, MH, to R. F. Wood, Assistant Secretary, HO, 26 Sep 63, LAB8/2867.

¹⁰⁸ CIC(63) 4th meeting, 8 Jul 63, CAB134/1508, p.4.

¹⁰⁹ CIC(63) 5th meeting, 2 Oct 63, CAB134/1508, p.3.

¹¹⁰ CIC(63) 5th meeting, 2 Oct 63, CAB134/1508, p.3.

¹¹¹ R. F. Wood, Assistant Secretary, HO, to John Boreham, Chief Statistician, GRO, 1 Nov 63, LAB8/2873; A. M. Morgan, Assistant Secretary, ML, to John Boreham, Chief Statistician, GRO, 15 Nov 63, LAB8/2873; O. L. Williams, Assistant Secretary, Treasury, to John Boreham, Chief Statistician, GRO, 27 Nov 63, LAB8/2873; Meeting in the Treasury, 19 Dec 63, LAB8/2873; Meeting in the Treasury, 7 Feb 64, LAB8/2873.

independent survey would be 'difficult and costly, and the information obtained might not be in all respects satisfactory'.¹¹² Therefore it recommended that 'a survey based on information specially extracted from the 1966 Sample Census' should be conducted.¹¹³

Among ministers, there was a common recognition that 'important decisions on Commonwealth immigration might be required before 1966 [when the Sample Census would be carried out]'.¹¹⁴ A large revision of the voucher scheme, in particular the abolition of C vouchers, would be an important task immediately after the general election. The view of ministers was divided on the need to conduct a survey before the 1966 Sample Census. This was mainly due to the difference in emphasis on the importance of economic factors concerning Commonwealth immigration. On the one hand, the Treasury's Economic Secretary (Maurice Macmillan) claimed that, as 'the Survey results could not be obtained quickly, it might then be important for the Government to show that they were taking steps to obtain more information about the role of immigrants in the economy'.¹¹⁵ On the other hand, the Home Office minister (Lord Derwent) claimed that, though 'Immigrant workers were generally known to be making a useful contribution to the labour force and it was equally well known that their tendency to congregate, with their families, in certain areas brought social problems', 'It was the latter aspect of immigration, rather than the former, which attracted public interest and concern'.¹¹⁶ There were doubts on whether the detailed information on economic aspects 'could have a significant bearing on major decisions'.¹¹⁷

¹¹² CCI(64) 2nd meeting, 6 Jul 64, CAB134/1468, p.3.

¹¹³ CCI(64) 2nd meeting, 6 Jul 64, CAB134/1468, p.3.

¹¹⁴ CCI(64) 2nd meeting, 6 Jul 64, CAB134/1468, p.3.

¹¹⁵ CCI(64) 2nd meeting, 6 Jul 64, CAB134/1468, p.3.

¹¹⁶ CCI(64) 2nd meeting, 6 Jul 64, CAB134/1468, p.3.

¹¹⁷ CCI(64) 2nd meeting, 6 Jul 64, CAB134/1468, p.3.

At this time, the latter voice dominated the meeting. The Home Secretary as Chairman (Henry Brooke) in particular was sceptical about the importance of economic aspects. Consequently, an early survey on economic aspects of immigrants was rejected.¹¹⁸ However, it was evident that economic concern was gaining ground as the rate of voucher issue further reduced.

Proposals to secure C vouchers

A major point of probable new measures was a further reduction of the rate of voucher issue from 400 a week. This would 'lead beyond the elimination of category C and prevent demands in categories A and B from being met in full'.¹¹⁹ Therefore whether C voucher should be secured or not under a special measure was a matter of concern. There were differences in views also on this point between the Home Office and other Departments.

Civil servants in general preferred to secure C vouchers. There was a view in the government that 'those coming with category C vouchers tended to take unskilled jobs which would otherwise not be filled in times of full employment but which might nevertheless be essential to maintain skilled employment'.¹²⁰ The Ministry of Labour showed in mid May three alternatives to the VWP, on which C vouchers should be issued: up to 50, subject to a total ceiling of 400; up to a total ceiling of 350 only when A and B combined fell short of 350; or, up to half of the extent that A and B fell short of 400.¹²¹ At the VWP meeting on 11 May, the first option, which was least complicated, was adopted. This meant that 'The majority of Category C vouchers issued would, for the foreseeable future, be for applicants with

¹¹⁸ CCI(64) 2nd meeting, 6 Jul 64, CAB134/1468, p.4.

¹¹⁹ Note of meeting (draft), 11 May 64, LAB8/2715, para.6.

¹²⁰ CCI(64) 2nd meeting, 7 Jul 64, CAB134/1468, p.1.

¹²¹ Note of meeting (draft), 11 May 64, LAB8/2715, paras.3 and 5.

Forces Service preference'.¹²² Civil servants decided that the Home Office should recommend the Cabinet that, 'while the authorised rate of issue should remain 400 a week, it should be subject to a maximum issue of 50 Category C vouchers a week'.¹²³

A Home Office plan to abolish C vouchers

This principle was adopted by the CCI meeting on 6 July (CCI(64)2nd). The Home Office, however, despite these agreements at the VWP and the CCI, was not fully convinced of the importance of the economic aspects and the need of C vouchers. In fact the Home Office was thinking, as the Home Secretary had admitted in the Cabinet meeting on 30 April, that 'The rate of admission . . . could not be substantially reduced still further unless C vouchers were virtually eliminated'.¹²⁴ For the Department, the truth was: 'C voucher holders tended to go to areas where immigrants were already concentrated, and so not only providing some pool of unemployed labour but also creating social problems'.¹²⁵ Therefore once new statistical figures became available, its incentive to make the new plan more restrictive was accelerated.

Mainly due to the issue of "disregarded" vouchers, the net intake of coloured immigrants for the twelve months up to 30 June 1964 had reached 68,000.¹²⁶ The current rate of issue of vouchers was still estimated to produce a net intake of 50,000 to 60,000 a year.¹²⁷ The Home Secretary (Henry Brooke), above all, was thinking that immigration could not be 'allowed to continue indefinitely at this

¹²² CCI(64)6, 18 Jun 64, CAB134/1468, p.4, para.12.

¹²³ CCI(64)6, 18 Jun 64, CAB134/1468, p.4, para.12.

¹²⁴ CM(64) 25th conclusions, minute 7, 30 Apr 64, CAB128/38/pt.2.

¹²⁵ CCI(64) 2nd meeting, 7 Jul 64, CAB134/1468, p.1.

¹²⁶ CCI(64) 3rd meeting, 28 Jul 64, CAB134/1468, p.1.

¹²⁷ CCI(64) 3rd meeting, 28 Jul 64, CAB134/1468, p.1.

level'.¹²⁸ In these circumstances the Home Office, which was formally responsible to producing the new plan, decided to disregard discussions and recommendations in the VWP and to form the outline of the new plan by itself which would abolish C vouchers and reduce immigration drastically.

The Department had doubts not only about C vouchers but also the continuation of A vouchers, *i.e.* vouchers issued to those who have specified qualifications. The Home Office thought it possible to restrict the issue of vouchers to only 'those coming to jobs which it is of national importance to fill and which cannot be filled by people already in this country'.¹²⁹ This would bring the admission for employment of Commonwealth citizens 'broadly into line with the admission of aliens', and this 'might reduce the inflow by 7,000 or 8,000 a year, plus dependants'.¹³⁰ This would mean reducing the annual voucher issue to 8,000 a year, or 150 a week.¹³¹

The new plan would be concerned with the main body of the 1962 Act rather than particular details of the voucher scheme and therefore involve large modifications in the categories of control. The main concern of the Home Office was to reduce immigration so that its scope of revision of the scheme were not confined to the workers who would be allowed vouchers. The Home Office hoped to change conditions of entry by dependants of voucher holders and students.¹³² The outline of new measures was presented to the CCI meeting on 28 July (CCI(64)3rd). To take the form of reviewing the 1962 Act, the measures were arranged in terms of legislation, namely, those changes that require legislation and those that did not. However, the Home Office evidently preferred the option which

¹²⁸ CCI(64) 3rd meeting, 28 Jul 64, CAB134/1468, p.1.

¹²⁹ CCI(64)8, 21 Jul 64, CAB134/1468, p.3, para.13.

¹³⁰ CCI(64)8, 21 Jul 64, CAB134/1468, p.3, para.13.

¹³¹ CCI(64)11, 31 Aug 64, CAB134/1468.

¹³² CCI(64) 3rd meeting, 28 Jul 64, CAB134/1468, p.2.

would not require legislation and this option was duly approved.

Insertion of economic considerations

Pressure from the Home Office toward further reduction of vouchers was based on social concern. Economic considerations were, however, also gaining ground in the government discussions. Ministers confirmed at the same CCI meeting on 28 July that 'decisions on further measures to restrict Commonwealth immigration would . . . have to balance economic and social considerations'.¹³³ The British economy at this time in July 1964 was in so good condition that 'Labour is already short in the Midlands and the South and is likely to become more so'.¹³⁴ Even the Home Secretary had admitted that 'In present circumstances we can certainly absorb this number [15,000 a year, which are estimated to arrive as a voucher-holder in 1964] into employment'.¹³⁵

Soon after this CCI meeting the outline produced by the Home Office was thus strongly opposed from other departments in particular from economic departments. The Ministry of Labour had assessed the impact of the issue of vouchers of 250, 150 and 50 a week (13,000, 8,000, 2,600 a year respectively). The figure of 50 would allow only people who had firm offers of employment in the public sector. The figure of 150, which the Home Office had in mind, would allow, in addition to the previous category, people who did not have an offered work but who had specific qualifications such as teachers, doctors, nurses and a few other professional people. The figure of 250 would allow, in addition to the first category, all those qualifications for B vouchers and technicians and engineering craftsmen.¹³⁶

¹³³ CCI(64) 3rd meeting, 28 Jul 64, CAB134/1468, p.1.

¹³⁴ CCI(64)8, 21 Jul 64, CAB134/1468, p.3, para.11.

¹³⁵ CCI(64)8, 21 Jul 64, CAB134/1468, p.3, para.11.

¹³⁶ CCI(64)11, 31 Aug 64, CAB134/1468.

Not only the Ministry of Labour but also the Treasury, which had a seat in the ministerial committees from 1962, were concerned about the economic impact of further reductions. For the Treasury, which had gained interest on this matter since late 1963 through the civil servant discussions on the survey of economic aspects, the most important point was the balance between 'importance on social grounds of limiting immigration to the numbers that could be absorbed' and 'the necessity on economic grounds of securing an adequate supply of labour'.¹³⁷

Moreover, the drastic reduction of vouchers might also raise a concern about relations with the Maltese government. There were special arrangements in which the UK encouraged the Maltese government to make for obtaining jobs in the UK for Maltese who wish to emigrate.¹³⁸ There was another plan for the recruitment of temporary government staff from Malta.¹³⁹ These issue had already been raised by the Commonwealth Relations Office at the CCI meeting in November 1963 (CCI(63)1st). With the labour shortages in some areas in the UK, this diplomatic consideration was also linked to the economic arguments opposing further restrictions. In the Cabinet meeting on 30 July, it was therefore suggested that 'There might be some advantage in encouraging immigration from Europe, particularly from Malta, where the budgetary support which we were obliged to provide might be reduced if we were able to make a larger contribution to the relief of unemployment in the Island by accepting an increased number of Maltese immigrants'.¹⁴⁰

Under these circumstances, it was difficult even for the Home Office to take a restrictive course. As seen above, the outline of new measures presented at the

¹³⁷ CM(64) 44th conclusions, minute 2, 30 Jul 64, CAB128/38/pt.2.

¹³⁸ CCI(63)4, 1 Nov 63, CAB134/1468, para.13.

¹³⁹ CCI(63)4, 1 Nov 63, CAB134/1468, para.13.

¹⁴⁰ CM(64) 44th conclusions, minute 2, 30 Jul 64, CAB128/38/pt.2.

CCI meeting on 28 July was supposed to limit the voucher issue to 150 a week (8,000 a year). However, the Home Secretary finally decided to propose to the Cabinet the figure of 250 a week (13,000 a year), the least restrictive line the Department had in mind.¹⁴¹ The plan of new measures which were revised accordingly was presented in the Cabinet meeting on 10 September (CM(64)47th). The Cabinet decided that it would give further consideration to this matter based on the proposed plan after the general election.¹⁴²

* * *

On 15 October 1964, the Conservative Party was defeated in the general election and the Labour Party took office. Thirteen years of the Tory governments thus ended. The planned new arrangements were not implemented under a Tory administration. Nevertheless, this change in governments brought few change in the direction of the voucher scheme, or, more broadly, policy on Commonwealth immigration. Plans proposed from civil servants, and the circle of civil servants involved in the policy process and their discussion, survived the change in administration.

On the contrary, what did not survive was the opposition of the Labour Party to the Commonwealth Immigrants Act.¹⁴³ The Wilson administration had a ministerial committee concerned with Commonwealth immigration from the beginning. After ten-month examination, the Labour government published a White Paper in August 1965 and announced that it would reduce the rate of issue of vouchers to 8,500 a year, of which 1,000 were reserved for Malta. It also announced

¹⁴¹ CP(64)165, 2 Sep 64, CAB129/116.

¹⁴² CM(64) 47th conclusions, minute 3, 10 Sep 64, CAB128/38/pt.2.

¹⁴³ *cf.* John Solomos, *Race and Racism in Britain* (Basingstoke, Macmillan, 2nd ed., 1993), p.64.

the complete abolition of the C voucher category.¹⁴⁴

During the period of 1962-1964, the Ministry of Labour became, as the Department formally in charge of the issue of vouchers, one of the two important actors in the policy community on Commonwealth immigration. The Ministry tried to take major initiatives in the policy process. However, the Home Office was reluctant to give up its leading role. The battle between the Home Office and the Ministry of Labour was important in that two Departments had differences in views on implementing the voucher scheme. The former took it as a measure for restricting immigration, while the latter as a measure for managing immigration.

The battle between these two Departments resulted in the win by the Home Office. There were three major reasons for this. Firstly, the Ministry of Labour failed to take initiatives at ministerial level. The change brought to the membership in the ministerial committee by the Cabinet reshuffle of June 1962 made this definitive. The reshuffle assured the Home Office of a place as an important actor, by appointing the Home Secretary chairman of the ministerial committee concerned with Commonwealth immigration (CIC). As a result, the Home Office led discussions among ministers, while the Ministry of Labour led only discussions among civil servants. Discussions of two levels conflicted more often than in the past. Recommendation from the official committee VWP was often rejected by ministers.

Secondly, the position of the Colonial Office and the Commonwealth Relations Office, which used to be two of the four most important departments in the process of introducing the 1962 Act, declined in this period. The position of the Ministry of Labour was basically supported by these two departments. However, both were rapidly losing importance within the whole Whitehall community as decolonisation of Britain's Empire proceeded further.

¹⁴⁴ *Immigration from the Commonwealth*, Cmnd 2739 (London, HMSO, 1965), August 1965.

Thirdly, the increase in influx from India and Pakistan due to the "disregarded" voucher arrangements aroused much concern within the government from the social perspective. In fact, as the Home Office's insistence towards restriction became harsher, the need to examine the economic aspects were raised at the ministerial level from mid-1963. The Treasury had a permanent seat in the ministerial committees from 1962. This made easier than before the economic consideration being raised within the government discussions. Nevertheless, it would be fair to say that the economic factors were not so much taken until the last moment when the reduction of voucher issue might hinder the entry of essential labour for the UK economy. The persisting strong pressure of immigration from India and Pakistan was enough for the Home Office to legitimise its claim that Commonwealth immigration should be restricted for social grounds. Consequently, after the 1962 Act, as well as before that, the dominant concern in the government was the impact of immigration on domestic society.

The Home Office dominance at the ministerial level, the decline in influence of the Colonial and Commonwealth Offices, and moreover, the increase in influx from India and Pakistan due to the "disregarded" voucher arrangements, all worked in favour of the line proposed by the Home Office, that is, restriction. Though the Ministry of Labour remained the other important actor throughout this three-year period, the rapid increase in immigration in particular forced the Ministry to accept restricting immigration.

The policy community on Commonwealth immigrants which was established in the process leading to the introduction of the Commonwealth Immigrants Act was so firm that it was not easily to be modified by a single department. The policy community was supported in terms of institution and discourse. The Home Office held the central place in the policy community and its position was legitimised by the powerful discourse within the government which

emphasised the fear of social tensions.

Part III

Conclusion

Chapter 10 The Role of Civil Servants in the Policy Process

This thesis has examined the role of policy makers within the government in the formulation and development of policy on Commonwealth immigration. In doing so, it has given answers to two related questions namely, how and to what extent have civil servants exerted influence in the policy process ? and how does one particular set of issues, rather than another, capture policy makers' attention in the course of discussion ? In this concluding chapter these points are re-examined in the light of the structure in the policy process on Commonwealth immigration and to show how this is related to the existing theories of British government and policy.

1. The Thesis Reanalysed

British immigration policy in the postwar period has been well researched from the perspective as to what impact parties, Parliament and public opinion has had on the formulation of policy. Alternatively, when research has focussed on the role of elites within the government, it is senior politicians that are the subjects of research. Pressures from outside of the government and the role of senior politicians have thus been the main areas of analysis.

Political science studies of immigration policy

A survey of major works shows how political science studies of immigration to postwar Britain has been dominated by works that have emphasised the role of elected elites and public opinion. E. J. Rose and Nicholas Deakin, for example, have analysed in great detail the history of Commonwealth immigration and in particular

the role of Roy Jenkins as Home Secretary in introducing the first Race Relations Act and preparing the ground for the second Race Relations Act.¹ Their considerable research had the intention of providing liberal race relations legislation and of encouraging politicians to take a firm lead in managing public opinion to support anti-discrimination legislation in housing, employment and other areas.

Paul Foot's pioneering work also emphasised the role of politicians in influencing public opinion in a racist or anti-racist direction.² His work sought to show how the lack of a strong anti-racist lead by Gordon-Walker in Smethwick allowed anti-immigrant campaign of Peter Griffith to be successful in 1964. Donley Studlar's work, while wide ranging and extensive, is mainly concerned to explain the impact of the immigration issue on electoral behaviour and agenda setting.³ Anthony Messina's work on party competition is narrowly focussed on parties and electoral behaviour and is particularly valuable for its analysis of party competition in the London Borough of Ealing.⁴

Even more general and wide ranging works have surprisingly little to say about the role of the civil servants in the policy making process. Zig Layton-Henry mentions the establish and work of the inter-departmental committees in his history

¹ Eliot J. B. Rose, Nicholas Deakin, Mark Abrams, Valerie Jackson, Maurice Peston, A. H. Vanags, Brian Cohen, Julia Gaitskell and Paul Ward, *Colour and Citizenship: A Report on British Race Relations* (London, Institute for Race Relations/ Oxford University Press, 1969).

² Paul Foot, *Immigration and Race in British Politics* (Harmondsworth, Penguin Books, 1965).

³ See, for example, Donley T. Studlar, 'Policy voting in Britain: the coloured immigration issue in the 1964, 1966, and 1970 general elections', *American Political Science Review*, 72, 1 (1978), 46-64; 'Elite responsiveness or elite autonomy: British immigration policy reconsidered', *Ethnic and Racial Studies*, 3, 2 (1980), 207-23; 'Non-white policy preferences, political participation and the political agenda in Britain', in Zig Layton-Henry and Paul B. Rich (eds), *Race, Government and Politics in Britain* (Basingstoke, Macmillan, 1986), 159-86; and, Donley T. Studlar and Zig Layton-Henry, 'Nonwhite minority access to the political agenda in Britain', *Policy Studies Review* 9, 2 (1990), 273-93.

⁴ Anthony M. Messina, *Race and Party Competition in Britain* (Oxford, Clarendon Press, 1989).

of the politics of postwar immigration but his analysis are again focuses on politician, parties, electoral behaviour and legislative institutions.⁵ Gary Freeman's valuable comparative analysis of postwar immigration to France and Britain focuses on the roles of parties and the electorate. In particular he argues that the lack of a manifest ideology in the British case made the Labour Party less well equipped to counter anti-immigrant pressure from the Conservative and public opinion.⁶

The successful management of the issue by the exclusion of political pressures is the major characteristics of the policy process examined in this thesis. This confirms Jim Bulpitt's centre-periphery model which draws attention to the success of policy makers in managing the issue. His model has, however, little to say in detail about the policy making process.⁷ In contrast, this thesis complemented and deepened his analysis by presenting the detailed mechanism of the management of the issue by focusing on the structure in the policy process.

This thesis therefore has illuminated an underresearched and neglected area of the policy process. It is complementary to the existing studies of immigration policy making rather than contradictory or reevaluating them. It showed through an analysis of government documents how extensive and serious was the work being carried out on immigration policy behind the scene.

Non-elective actors in the policy process

⁵ Zig Layton-Henry *The Politics of Race in Britain* (London, George Allen and Unwin, 1984); and *Politics of Immigration: Immigration, 'Race' and 'Race' Relations in Post-war Britain* (Oxford, Blackwell, 1992).

⁶ Gary Freeman, *Immigrant Labour and Racial Conflict in Industrial Societies: The French and British Experience 1945-1975* (Princeton, NJ, Princeton University Press, 1979).

⁷ Jim Bulpitt, 'Continuity, autonomy and peripheralisation: the anatomy of the centre's race statecraft in England,' in Zig Layton-Henry and Paul B. Rich (eds), *Race, Government and Politics in Britain* (Basingstoke, Macmillan, 1986), 17-44.

The previous interpretations of immigration policy have weaknesses in their interpretation of the development of the issue in this policy area. For example, these works are unable to explain the lack of government action in the period from the outbreak of the urban disturbances in September 1958 to the introduction of the Commonwealth Immigrants Bill in Parliament in October 1961. This weakness is mainly because explanations employed in previous works have underestimated the variety of actors within the government. In particular previous works have ignored the role of non-elective actors in the policy process.

With focussing on the public opinion, Parliament, parties and politicians, it is politics that has been emphasised so far. Separating non-political aspects from politics is therefore important for research on the policy process. There is no doubt that politics plays a significant role in the formulation of policy, but it is a limited aspect of the whole policy process. In the policy process, there are political and non-political aspects and both play an important part. Policy can be formulated also behind politics, and often without relation to it, in the hands of non-elective actors. The non-political aspects of the policy process have so far failed to be given proper attention.

The dismissal of the role of non-elective actors is not peculiar to this area, but it is widely seen in the analysis of policy making in Britain. The non-political aspects of the policy process have attracted little academic interest in general. This has roots in normative views about the British political system. The emphasis in political studies on power distribution has so far worked to limit the scope of empirical research. It is on the recognition that non-political aspects of the policy process are as important as political aspects that this thesis has been based.

Originality of the thesis

This research has tried to make an original contribution to the existing research

from three directions. Firstly, it has tried to identify the role of civil servants in the policy process. Civil servants have been less researched than other actors in studies of British politics and their role in the policy process has been little surveyed. Emphasis was on links between the core executive and departments, which major debates on the postwar government and policy such as the consensus/advocacy politics thesis has neglected.

Secondly, this thesis has tried to make their role clear by placing it in a broad structure within the government. In particular it has focussed on informal networks linking various actors in contrast to formal constitutional rules. The role of government actors is explained with reference to these informal networks. These are important for a particular actor to play roles in the policy process as the network is a major determinant of its influence.

Therefore, thirdly, the development and institutionalisation of these networks are highlighted in relations to the development of government policy. Policy as the output of the government are conditioned by this structure within the policy process in terms of contexts and options.

Structure in the policy process

The internal structure of the government policy process, in which policy makers formulated policy, has been examined, employing the ideas developed in the bureaucratic politics and policy network models. Three perspectives have been introduced, which are concerned respectively with factors determining the stance of policy makers, factors determining the influence of policy makers, and the set of rules which govern relations between policy makers.

The first perspective is that the stance of a policy maker is determined more by his/her organisational and personal interests than by other factors. Each policy maker has his/her own stance towards the policy issue and thus has different views

and approach to a particular point and policy. The focus has therefore been put on the relationship between policy makers' bureaucratic positions and their policy preferences.

The second perspective is that the influence of an actor in the policy community depends on his/her position in the policy network. Actors assured of a central place in policy discussions within the government find it easier to have their views listened to within policy circles, while those with marginal status or who are not assured of institutional places find it difficult or impossible to make their voices heard. The focus has been put on the structure of policy making within the government.

The last perspective is that formal or constitutional arrangements impose limitations on policy makers' actions, and these, therefore, affect patterns of the policy process. Interactions between major policy makers in the policy process are not made in a condition of anarchy. There are rules which bind actors and govern their interactions. Among various, formal or informal rules, constitutional arrangements have a strong impact on the policy process.

The process analysis in Chapters 4 to 9 have examined these three points. They are summarised and reviewed in the following section.

2. The Policy Process

This thesis has examined historically the development of policy on Commonwealth immigration between 1948 and 1964 and the roles civil servants have played. This is because dealing with policy formulation as a process of negotiation over time is an effective way of identifying the role of non-elective actors in the policy process, which is separate from that of elective actors. The whole period from 1948 to 1964

was divided into six stages (Figure 10.1).

Problem recognition (1948 - 1950)

Between 1948 and 1950 immigration from the West Indies began to be perceived within the government as a problem that should be tackled by the government. The growth of immigration from the West Indies caused anxiety among civil servants. The problems the government should deal with as well as the directions of the government policy on Commonwealth immigration were identified by civil servants in this period.

The increasing immigration from the West Indies was recognised as a problem because civil servants feared a potential rise in social tensions. Already in these early days when neither public nor senior politicians' interest in Commonwealth immigration was high, discussions by civil servants went beyond the boundaries of departments. They agreed at a meeting held in February 1949 that the problem should be approached from two directions, from the perspective of controlling immigration to the UK and from the view of accommodation, employment and welfare of those already settled in the UK. These two perspectives, as well as the issue of deportation of "undesirables", which would be added later, became the assumptions of British government policy on Commonwealth immigration.

Institutional formation (1950 - 1954)

Before 1950, the interest in immigration from the Commonwealth as a policy matter was confined to the civil servant level and this issue was not discussed much at ministerial level. Unlike later inter-departmental official committees, inter-departmental discussions of civil servants before 1950 were organised around the Colonial Office, and were in general *ad hoc*. They did not serve or report to higher

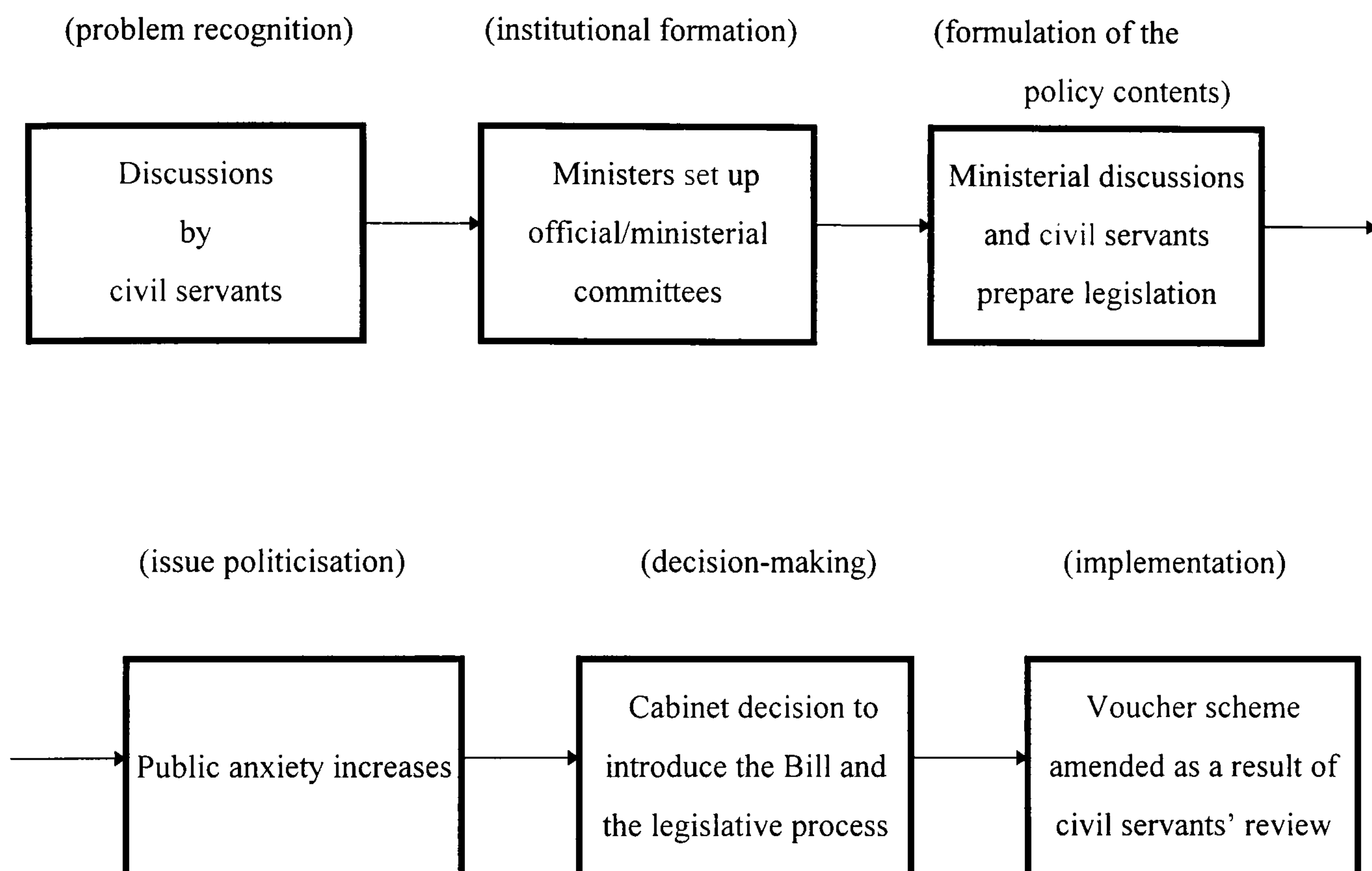


Figure 10.1 The policy process on Commonwealth immigration 1948-1964

levels of government such as ministerial committees or the Cabinet.

However, in the period between 1950 and 1954, attention on the issue rose to ministerial level. There was a change in recognition as regards the issue within the government, and accordingly the institutional framework for future government actions was established. Particularly important in this process was that the Home Office was placed at the centre of government's institutions that were to give considerations to the issue of Commonwealth immigration. This was because the Home Office was the department in charge of immigration controls. Important in the policy process was that this was to limit in the long run the perspectives and measures the government might adopt in order to deal with the issue. Reflecting the departmental interest of the Home Office, social concern was emphasised as the perspective on Commonwealth immigration, and the control of immigration as the measure to be taken.

The position of the Home Office in the institutional framework concerned with Commonwealth immigration was gradually reinforced despite the change in government in 1951. Commonwealth immigration was accordingly firmly defined within the government as an issue which could only be alleviated by the introduction of controls. The hidden assumption that the issue of Commonwealth immigration should be approached, not from the perspective of social policy, but from regulative measures of immigration control, was established in the process of the formation of institutional frameworks which were led by the Home Office.

Policy content formulation (1954 - 1956)

The number of immigrants from the West Indies increased rapidly after 1953. The social consequences of immigration came to worry various quarters of the government more strongly than before. In the period between 1954 and 1956 public and Parliamentary interests in the issue greatly increased. This caused ministerial

pressure calling for restriction, as well as the views and considerations of each policy maker on the issue were crystallised. The emphasis in the government discourse both on the negative social consequences of immigration and on the need for control of immigration were further strengthened.

Backed by public and Parliamentary anxiety over the issue, political action was reinforced within the government. Political pressure was exerted on government discussions. Lord Salisbury in particular persistently demanded early legislation in the Cabinet. Led by hardliners within the Cabinet, a draft Commonwealth Immigrants Bill, which aimed at introducing control on entry of British subjects, was submitted to the Cabinet in May 1955. In parallel, various measures were initiated by ministers in order to influence public opinion and thus to justify legislation.

With political pressure being gradually strengthened, the impact of immigration was intensively surveyed by civil servants. Their discussions resulted in setting the framework for later government discussions in at least two ways. Firstly their investigations established the viewpoint for future discussions about policy in this field. Under the strong influence of the Home Office, which worried about the social consequences of immigration, their enquiries resulted in directing and fixing policy makers' major attention on the social situation of immigrants. In this process, the views of each department were also established. In addition to social concern being emphasised, the importance of relations with Commonwealth governments, in particular in terms of the future of the West Indian Federation, were reconfirmed and the economic situation of immigration was put in the government agenda on Commonwealth immigration policy.

Secondly, concrete measures for future legislation were formulated in the preparation of the draft Commonwealth Immigrants Bill of 1955. This draft contained many provisions which were to be enacted by the Commonwealth

Immigrants Act in 1962. The basic outlines of legislation such as application of the provisions to the whole Commonwealth, exemption from control of those who "belong" to the UK, and exemption of Irish citizens from entry control were established in this period.

In the meantime the ministerial discussions motivated by political considerations were repeated fruitlessly due to internal differences of views and civil servants' negative position towards legislation. In fact, there was a wide gap between political considerations and other factors. At the civil servant level three of the four major departments concerned with Commonwealth immigration were opposed to legislation on entry. As a result early legislation was ruled out.

Politicisation (1957 - 1959)

The issue became politicised with the outbreak of the urban disturbances in 1958. These disturbances raised the issue of Commonwealth immigration to a matter of wide public concern and caused it to develop from a limited local concern to a national political issue. The government, in particular ministers, worried about this development partly because a general election was expected within a year. For fear of losing its control of the issue, the government faced the need to subdue public interest and to prevent the issue from further politicisation. The draft Deportation Bill was prepared for this purpose on the initiative of the Home Secretary.

In this process the gap between political considerations and other factors re-emerged. The strain caused by the disturbances were rapidly eased and the level of immigration decreased. The Deportation Bill remained only as a subject for ministerial discussion. Many ministers hoped to put forward legislation to show government's manageability of, and firm attitude towards, the issue. Meanwhile the Prime Minister and his aides decided to turn down the introduction of the Bill to Parliament. They feared that it would exacerbate divisions in the public and within

the Conservative Party, and therefore that the introduction of the Bill to Parliament itself would risk further politicisation of the issue. In view of electoral considerations, the Deportation Bill was raised by ministers and then withdrawn by ministers. It was politics that dominated the policy process in this period.

In the meantime the views and positions of civil servants changed in important aspects behind these political developments. The deterioration of race relations which was concretely revealed by the eruption of the disturbances in 1958 undoubtedly made the Home Office even more cautious than before about the social impacts of immigration. Equally important was that the employment situation, which had constituted a strong case against early legislation, took a turn for the worse from a little before the disturbances. Accordingly, the Ministry of Labour which had opposed early legislation turned its position to favouring restriction of immigration.

Decision taking (1960 - 1961)

A further increase in immigration from the summer of 1959 brought a change in the Home Office view, which led to the government's decision to legislate on immigration control. In the period from spring to autumn of 1960, the increase in immigration and the breakdown of administrative measures taken by Commonwealth governments both supported Home Office's arguments in favour of restriction. The Home Office influenced discussions at the civil servant level strongly.

The critical period in the move towards legislation was passed between June and November 1960. In this period the Home Office judged that the situation of immigration changed significantly and that voluntary restrictions by the West Indian administrations collapsed. This judgement made legislation within a short period of time inevitable. The remaining issue was the concrete timing of the introduction of

the Commonwealth Immigrants Bill in Parliament. In fact, this was not approved by the Cabinet until October 1961 because the future of the West Indian Federation was seen as the crucial key to the timing of legislation. The introduction of the Bill was finally determined after Jamaican referendum held in September 1961.

The nature of discussion changed after the Cabinet approval of legislation in October 1961. In the legislative process the role of Parliament increased temporarily. Commonwealth sentiments were reemphasised in this context of Parliamentary politics. Some provisions in the Bill, in particular the position of Irish citizens and the duration of the Act, were contrasted with those in the alien legislation, and were thought to be damaging to relations with the Commonwealth. It was not only in the context of actual relations with the Commonwealth but also in the context of British domestic and Parliamentary politics that Commonwealth sentiments were important.

Implementation (1962 - 1964)

With the passing of the Commonwealth Immigrants Bill in Parliament, the phase of the policy process on Commonwealth immigration shifted to the implementation of the new policy. The importance of Commonwealth immigration as a political issue declined. In the period between 1962 and 1964 the initial differences in views among government policy makers in implementing the provisions of the 1962 Act gradually converged into the Home Office's line of restriction.

The Commonwealth Immigrants Act gave the British government powers to control immigration from the Commonwealth. However there appeared differences of views within the government on how to implement the employment voucher scheme introduced by the Act. On the one hand there was a view that the scheme was a measure for restricting immigration to the UK and therefore should be administered restrictively, while on the other hand there was a view that the scheme

was a measure for managing immigration according to skills and job vacancies and therefore should be administered in accordance with labour market demands. The former view was promoted by the Home Office, while the latter view mainly by the Ministry of Labour.

These differences in views were exacerbated with the rise in applications for vouchers from India and Pakistan. Various new measures were invented under the voucher scheme in order to cope with this situation. However, in general, the balance of government discussion, and thus government policy, moved gradually in favour of restriction.

Characteristics of the policy process

There were two major characteristics of the policy process on Commonwealth immigration. Firstly, political pressures were, to a considerable extent, excluded from the mainstream of the policy process. This was typically shown in the development of discussions between 1954 and 1956 when the issue had not expanded yet as one that commanded public attention at the national level. In the meantime political pressures were exerted on government discussions with the increase in immigration. However, this did not affect much on civil servants' investigations in this period regarding the necessity of legislation and the impact of immigration. Practical considerations were firmly maintained, which resulted in rejecting early legislation. Similarly, political considerations had impacts on the management of the issue in the period following the urban disturbances of 1958 and on the legislative process of the Commonwealth Immigrants Bill in Parliament, but these did not affect the mainstream of the policy process.

Secondly, the social consequences of immigration were the dominant perspective in the government discussion so that the government perspective on the issue and the option of policy measures were consistently taken from the position of

social concerns. Housing shortages and the resulting social tensions were repeatedly raised from the very beginning. Relations with the Commonwealth, in particular those with "old" Commonwealth countries, with India and Pakistan until the increase in immigration from these countries in 1958, and with the West Indies after 1956, acted to some extent as a brake on early legislation, as did economic factors such as the need for labour in British industry. These factors, however, did not reverse the direction of government discussions towards restricting immigration. Discussions within the government were consistently motivated by social concerns.

These two major characteristics in the policy process on Commonwealth immigration relate closely to the structure in the policy process, in particular the existence of the closed policy community within the government. The next two sections analyse this point.

3. Structure in the Policy Process

Three points concerned with the structure in the policy process have been emphasised in this analysis of the policy process on Commonwealth immigration: firstly, the stance of each policy maker and its determinants; secondly, the influence of the policy maker in the policy process and its determinants; and thirdly, the role of the policy maker and its determinants. These have been examined particularly in the light of the policy community developing in this policy area.

During the seventeen-year period from 1948 to 1964, there emerged a stable and exclusionary policy community within the government. Initially developed out of a loose network centred on the Colonial Office, it was dominated by the Home Office, and later reformed into the one led jointly by the Home Office and the Ministry of Labour though the former was the dominant partner. The existence of

this policy community was important in the policy process of this area as it played a major part in determining the characteristics of the policy process shown above.

Factors determining the stance of actors in the policy process

It was raised as a perspective that the stance of a policy maker is conditioned by his/her organisational or personal interests. This thesis has shown that the major determinant of the stance of a policy maker in this policy area was his/her position in the government, or departmental responsibilities. Unlike Heclo and Widavsky's claim of the universal departmental culture in the whole of Whitehall,⁸ this thesis identified significant differences in the way each government department behaved.

In the policy process on Commonwealth immigration from 1948 to 1964, senior civil servants in the four critical departments, as well as ministers, played major roles. These departments were Home Office, Ministry of Labour, Colonial Office, and Commonwealth Relations Office. Civil servants of these departments had great interest in maintaining the influence, and fulfilling the mission, of their department. They were relatively unconcerned with political implications of policy, which were a major concern for politicians.

The responsibilities of a particular government department and its stance are linked with the assistance of department's concrete priorities and its interest in a particular issue, in this case, the one concerned with Commonwealth immigration. These are influenced by factors both internal and external to the government (Figure 10.2). The external factors concern conditions imposed on the British government raised in Chapter 1. They were translated in the light of departmental priorities and thus constitute departmental interest. Departmental priorities are affected mainly by internal factors to the government such as the influence of ministers, but also by

⁸ Hugh Heclo and Aaron Wildavsky, *The Private Government of Public Money: Community and Policy inside British Politics* (London, Macmillan, 1974).

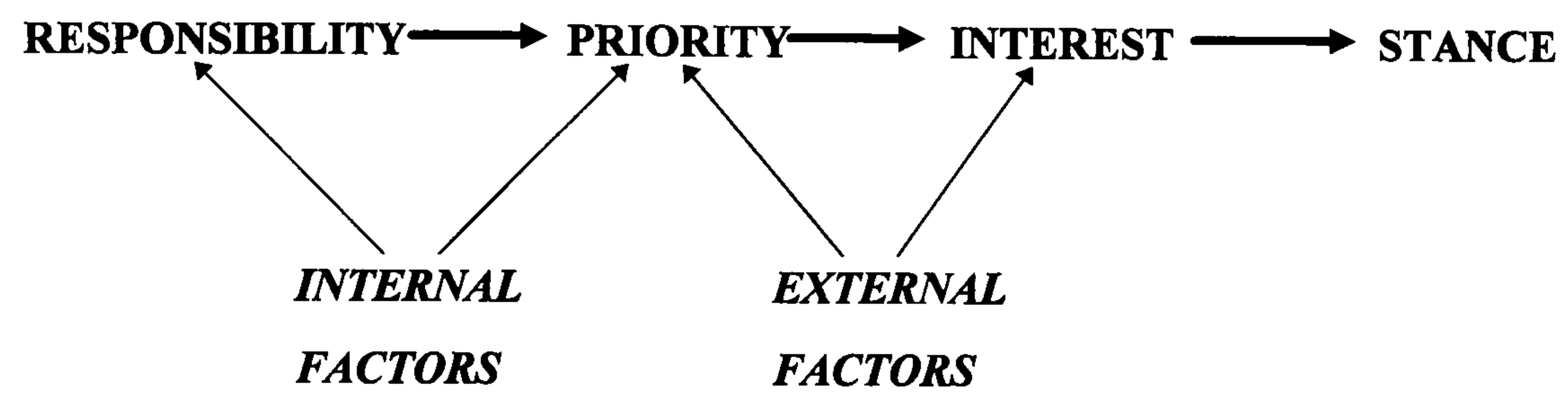


Figure 10.2 The responsibility-stance link and the factors influencing the stance

great changes in external conditions though not often. This internal factor will be examined in detail in the latter half of this section that deals with the structure in the policy process. The stance of the four departments and ministers are examined below in terms of their responsibilities.

Home Office

With formally responsible for immigration control, the Home Office was bound to become an important actor once control of immigration became an issue. Its link with responsibilities and stance is as follows:

Responsibility: keeping law and order in British society;

Priority: prevention of social tensions;

Interest: the potential to disturb law and order;

Stance: restriction or not.

The Home Office was in charge of social matters that were not dealt with by other departments. With most of the social affairs departments being concerned with social welfare, the Home Office's responsibilities were to do with social regulation, *i.e.*, maintaining public order such as the police, criminal justice, and prisons. As one of the formal responsibilities of the Department, the immigration control was linked with other areas of social regulation. Approaching the issue from the likely impact of immigration on law and order, the Home Office put its priority on avoiding social tensions. From this perspective immigration was viewed as having the potential to disturb law and order, in particular tensions with neighbourhoods which might be generated by poor housing conditions. The stance of the Home Office concerned whether to restrict immigration or not. Once the issue was raised as a priority the departmental stance towards Commonwealth immigration was kept at restriction.

The departmental interest in this issue was not strong until 1954. At the

early stages of Commonwealth immigration the departmental interest in this issue was small as it defined the issue as a Colonial matter. When ministerial decision forced the Department to take initiatives at inter-departmental meetings in 1950 in support of ministerial committee GEN325, it was reluctant to support legislation, even if the scope of legislation was limited to deportation. Though it thought that administrative measures would have little effect in deterring immigration from the West Indies, the departmental interest was not so strong as to reverse the traditional stance of the Home Office. It kept the stance on the ground that legislation that would remove the traditional right of British subjects to enter and stay freely in the UK could hardly be justified in the light of public feelings both in the UK and the Commonwealth. There was an indifference to the issue so that it did not overwhelm the traditional belief.

The remarkable increase in immigration from 1953 increased departmental interest in this issue. The new situation was interpreted in the light of departmental responsibility of keeping law and order. The Home Office worried about the strains with neighbourhoods due to the deterioration of housing conditions of immigrants. In the light of departmental priorities to avoid domestic conflicts the issue was understood as the one concerning housing chaos and resulting racial conflicts though these were only potential concerns until the urban disturbances of 1958. The Home Office's stance shifted towards legislative restriction by 1954.

The beginning of 1960 saw an increase in the interest of the Home Office in the issue. The Home Office's interest in the issue and stance to restrict immigration in a restrictive way was reinforced with the sharp increase in immigration from late 1959. There appeared a recognition within the Department that the nature of immigration changed. Over the summer of 1960 its interest in the issue further increased, which led the government to the introduction of the Commonwealth Immigrants Bill in Parliament the following year.

The Departmental responsibilities and broad external factors that affect Departmental interest remained unchanged after the implementation of the Commonwealth Immigrants Act in 1962, so did Departmental stance towards restriction. The Home Office continued to take the restrictive line. It regarded the voucher scheme as the measure for restricting immigration, in contrast to other departments that regarded it as that for merely managing immigration. In the name of preventing social tensions, the Home Office tried to suppress the number of immigrants to as low a figure as possible by severely curtailing the rate of the voucher issue. Thus as the voucher scheme allowed a large influx from India and Pakistan, the Home Office's mistrust in the scheme was intensified. The Department's stance to reduce the issue of vouchers was strengthened as far as to demand the abolition of not only C vouchers, but also A vouchers.

Ministry of Labour

Except in the early 1950s, when the economic factors of immigration did not feature highly in government discussions, the Ministry of Labour retained a certain amount of influence in the policy process throughout the period from 1948 to 1964. To understand the stance of the Ministry of Labour, it is important to see the new element added in its responsibilities. Departmental priorities changed with the introduction of the employment voucher scheme in 1962.

Its initial links between responsibility and stance is as follows:

Responsibility:	monitoring the domestic labour market;
Priority:	keeping order in the labour market;
Interest:	unemployment;
Stance:	restriction or not.

It had responsibilities to monitor the domestic labour market and put its priority in maintaining the order in labour markets. The external conditions mainly concerned

with labour markets based on the economic cycle were translated by this priority and formed the departmental interest in the issue. The dominant interest in the pre-1962 period was in avoiding unemployment. Therefore, in general, the interest in this issue increased when the employment situation deteriorated, but decreased when the situation recovered.

Initially the Ministry had a sceptical view on immigration from the West Indies. In terms of skills of the prospective immigrants and jobs available in the UK the immigration from the West Indies were regarded as unnecessary for British industry. Therefore in 1948 - 1949 the Ministry opposed official recruitment of labour from the West Indies as proposed by the Colonial Office on the one hand and kept a cautious position regarding the spontaneous influx from the West Indies on the other hand. After 1955 with a relatively good economic performance, departmental interest in immigration receded. The Ministry believed that there was few reasons to restrict immigration from the employment perspective. This stance was exhibited particularly well when the influx greatly increased in 1956 and 1957. Despite the large influx, the Ministry kept the stance not to intervene the flow of immigration. On the contrary, since the summer of 1958, a declining employment situation as well as a dismal future prospect about the employment due to the end of military conscription and a prospective increase in the number of school leavers caused the Ministry to emphasise the precariousness in labour markets and thus to increase its interest in immigration. Accordingly it turned its stance to restriction of Commonwealth immigration. From then to the Cabinet decision to introduce the Commonwealth Immigrants Bill in Parliament in October 1961, the Ministry kept this stance.

The old link between responsibility and stance was replaced by a new one as a result of a change in Ministry's responsibilities when the Commonwealth Immigrants Act came into effect. The new link was as follows:

Responsibility: management of the employment voucher scheme;
Priority: smooth working of the scheme;
Interest: the log-jam of application;
Stance: increase in issue or not

The smooth working of the employment voucher scheme itself emerged as its priority. It tried to secure a large enough number of voucher issues to avoid a log-jam of applications. The Ministry regarded the voucher scheme as a tool for managing, rather than restricting, immigration. In contrast to the Home Office, which set its focus on the actual number entering the UK, the Ministry of Labour stuck to the rate of voucher issue. Therefore, in the face of a large number of applications from India and Pakistan, it opted to take the course to revise the voucher system in order to avoid the disruption of the scheme.

Colonial Office

Management of Colonial matters was the responsibility of the Colonial Office. Subject to external conditions concerned with relations with the Colonies, the departmental priority changed from managing Colonial society to steering the Colonies to independence without chaos. For most of the period covered in this thesis, the departmental interest in this issue was concerned with the impact of legislation on British relations with the Colonies rather than the amount of immigration itself. Its stance was therefore concerned with whether to legislate or not. It is remarkable that the Colonial Office was not necessarily opposed to controlling immigration.

The initial link between responsibility and stance was as follows:

Responsibility: management of Colonial matters;
Priority: managing Colonial society;
Interest: impact of legislation;

Stance: legislation or not.

With the repeated arrivals of West Indians and an increase in stowaways, the Colonial Office began to consider the possibility of legislative control as early as in the late 1940s. It believed that legislative measures would be more clearcut and, therefore, less offensive for the feelings in the Colonies than administrative measures, which were thought to be devious and insincere. For the same reason, the Colonial Office was opposed to legislation targeted at the Colonies only, though Commonwealth immigration came mainly from the Colonies, in particular from the West Indies, until the late 1950s. The view of the Department was that any legislation should be applied to the whole Commonwealth, which, however, the Commonwealth Relations Office strongly opposed.

In the mid 1950s the stance of the Colonial Office changed to oppose legislation. A large change in British government's general external relations brought a change in departmental priorities from managing Colonial society to peaceful independence. This brought the change in the interest of the Department in legislation on Commonwealth immigration:

Priority: steering the Colonies to independence without chaos;

Interest: impact of legislation;

Stance: legislation or not.

As far as the West Indies was concerned, the independence of the West Indies within the framework of the proposed West Indian Federation became the primary concern of the Department by 1956. In this light legislation was seen with interest to affect badly the West Indian Federation so that the Colonial Office turned its stance to clearly opposing legislation. With the change in departmental priorities, not legislative restrictions but voluntary ones on the side of the Colonies were sought as the appropriate policy measure despite occasional increases in immigration from the West Indies in the late 1950s. To avoid legislation it tried to seek voluntary

restrictions from the West Indies by passport controls. In fact the Colonial Office gradually realised that voluntary restrictions by the West Indian governments would not be workable as immigration accelerated in 1960. Nevertheless, the departmental interest was in the impact on legislation. Even after that, it hoped to postpone legislation until the independence of the West Indies. In fact the West Indian Federation was on the verge of collapse and a referendum was due to be held in Jamaica in the autumn of 1961 to decide whether she would stay in the West Indian Federation. The Colonial Office, being forced into dilemma, kept the stance to oppose legislation and insisted that the West Indian factors should be fully taken into account in government discussions.

Two events in 1962 had a major impact on the stance of the Colonial Office. The entry into force of the Commonwealth Immigrants Act and the independence of Jamaica resulted in the main concern of the Colonial Office shifting to securing a certain proportion of employment vouchers for the remaining small Colonial territories. Departmental interest in the issue went declined in general. By the mid 1960s, the external factors which caused the Department to change its priority in the mid 1950s also worked to reduce the importance of the Department itself. The general competence of the Colonial Office as a government department decreased as more Colonies achieved independence. The standing of the Colonial Office in the government discussion on Commonwealth immigration accordingly diminished rapidly thereafter.

Commonwealth Relations Office

The Commonwealth Relations Office held concerns of the same nature as the Colonial Office with respect to external relations.

Responsibility: management of Commonwealth matters;

Priority: keeping good relations with "old" Commonwealth,

then to a lesser degree with India and Pakistan;
Interest: the right of the British subject;
Stance: restriction or not.

The responsibility of the Commonwealth Relations Office was the management of Commonwealth matters. However, unlike the Colonial Office, its partners were the governments of independent states so that the respect for their status as well as their importance in the UK status in the postwar world order reflected strongly in its stance. Its departmental priorities were in particular on keeping good relations with the "old" Commonwealth and, to a lesser extent, with India and Pakistan. Public opinion and British business interests in these countries were major concerns of the Department. In order to maintain a strong British relationship with these countries, the Department had much interest in securing the substantial right of British subjects in these countries from being restricted, unlike the Colonial Office, whose interest lay in the measures of restriction. The Commonwealth Relations Office was concerned about whether restriction of immigration would be introduced for the people in independent Commonwealth countries, and was opposed consistently and most strongly to restriction which would be applied, even in form, to these people.

From the beginning, the Commonwealth Relations Office showed its opposition to legislative restrictions on immigration. It hoped to exclude matters relating to Commonwealth countries from the agenda of government discussion, which however met strong resistance from the Colonial Office. The Commonwealth Relations Office also hoped that, if entry from Commonwealth countries were made subject to control, entry from the Irish Republic should also be controlled. The opposition of the Commonwealth Relations Office to the exemption of Irish citizens from control continued even after the introduction of the 1961 Bill to Parliament was virtually decided.

The stance of the Department was not, however, consistent towards every

country in the Commonwealth. Its major priority was given to the "old" dominion while India and Pakistan were given a lesser priority and the departmental stance was more ambiguous towards them. At first, the Commonwealth Relations Office was anxious about special discriminatory measures against India and Pakistan, which were the two largest potential senders. Such measures, it was thought, would endanger relations with these countries when these became known to their publics. However, this position did not last long. The departmental opposition to restriction was not maintained with the increase in immigration from these two countries, which was much in evidence by early 1958. The Department swiftly changed its stance and endorsed the idea to take restrictive measures that would be applied only to these two countries. This selective posture taken by the Department continued after the 1962 Act when India and Pakistan came to the forefront of the government discussion in place of the West Indies. On the one hand, the Department was prepared to allow special measures for India and Pakistan, while on the other hand, it, like the Colonial Office, hoped to secure a certain number of vouchers for territories other than Pakistan and India.

Responsibility and stance

This thesis has shown that stance of a particular governmental department is based on departmental responsibilities, which determine their priorities and interest. When a change occurs in departmental stance this is brought either by a change in departmental responsibilities or priorities or interest. Once responsibilities and priorities are given, external factors are interpreted in the light of departmental priorities to produce departmental stance. Such external factors were the level and pace of increase in immigration from the Commonwealth, the phase in the economic cycle, and relations with the Commonwealth. This shows that departmental stance is determined by departmental responsibilities and more

concrete priorities, which are to interpret the concrete external conditions.

Even though departmental responsibility and priorities are relatively stable and constant, as the cases of the Home Office and the Commonwealth Relations Office showed, priorities are subject to change due to the effect of external factors. A great change in external factors may cause the departmental priorities to change. The departmental priority of the Colonial Office changed from managing Colonial society to a peaceful transition to independence. This not only produced a change in stance but also resulted in the loss of independence from the Commonwealth Relations Office and then the disbandment of the department itself. Moreover responsibilities are also subject to change due to changes brought about by factors internal to the government. The departmental responsibilities also suffer a change as is seen in the case of the Ministry of Labour. The composition of its responsibilities changed with the addition of the overall responsibility for managing voucher scheme to the list along with monitoring the employment situation.

Ministers' stance and its difference with that of civil servants

This thesis has shown that the stance of ministers basically corresponded to those of their departments. However, ministers occasionally brought views into the policy process, which were distinct from those of civil servants. Such a view usually corresponded to, or was claimed to correspond to, public and Parliamentary opinion. This shows that ministers' priorities were determined by the department which the minister supervised and/or by his/her interpretation of public or Parliamentary opinion. Ministers have their place at the crossroads of two main lines of the policy process within the government, that is, the executive-political party line and the executive-departmental line. Ministers' stances can thus be determined both by their positions as the head of a department and their positions as a senior member of the governing party.

Their position as a senior member of the governing party was remarkable as the view of this kind was distinct from that of the civil servants of the department and unique to ministers. It derived from their position as politicians, that is, elected representatives. Politicians were sensitive to public opinion for electoral considerations and their main criteria of adopting a particular policy measure were liable to be whether or not the public would support it.

In the policy process on Commonwealth immigration this was evident, firstly, in the period after 1954. As Parliamentary and public interest on the issue of Commonwealth immigration increased, the ministerial priority was on public opinion. Gwilym Lloyd-George, while being Home Secretary, proposed repeatedly that the Cabinet should establish a non-governmental committee of inquiry in order to gain public support. Secondly, after the 1958 disturbances, the draft Deportation Bill was proposed and discussed at the ministerial level, which was promoted largely for political considerations. While confirming the effectiveness of voluntary restrictions by sending countries, ministers put forward legislation simply to gain public support for the government. The election was an important consideration for politicians in this context. Controversial issues were shelved as the general elections approached both in 1955 and 1964. Electoral considerations also worked to drop the Deportation Bill in 1959.

The stance of Cabinet ministers without specific departmental responsibilities was particularly important in this respect. They had a seat in the Cabinet to represent the political party and Parliament, which made them particularly sensitive to public and Parliamentary opinions. Their priorities were not necessarily constrained by departmental considerations. The most outstanding example was the Marquess of Salisbury, the Lord President and Leader of the Lords, who was to insist persistently on early legislation from 1954 till his resignation from the Cabinet in 1957.

However, the stances of ministers were in most cases determined by the departmental considerations for some structural reasons, which will be examined later, so that few differences appear within the department between its minister and civil servants. The difference in views between departments, including both ministers and civil servants, was generally larger than that between ministers and civil servants in a single department

Structure in the policy process

The second perspective was that the structure which emerged in the policy process had important implications in allowing particular actors to play significant roles in the policy process. This thesis has illustrated that the influence of a particular actor in the policy process was determined by his/her position in the policy network. In particular the existence of the policy community and its nature were important. The major determinant of his/her influence in policy making of this area was the position of each actor in the policy community. Once a policy community was established, it was difficult for peripheral- and non-actors, to take initiatives in framing policy or influencing the details.

The whole structure

The overview of the structure in the policy process on Commonwealth immigration is exhibited in Figure 10.3. In this policy area there was a stable and exclusionary policy community within the government. It included senior civil servants from the four main departments in this issue, *i.e.*, Home Office, Ministry of Labour, Colonial Office and Commonwealth Relations Office, the ministers of these departments as well as the Prime Minister and his advisers. They have their own resources for participating in the policy process.

The central positions in the policy community were dominated by civil

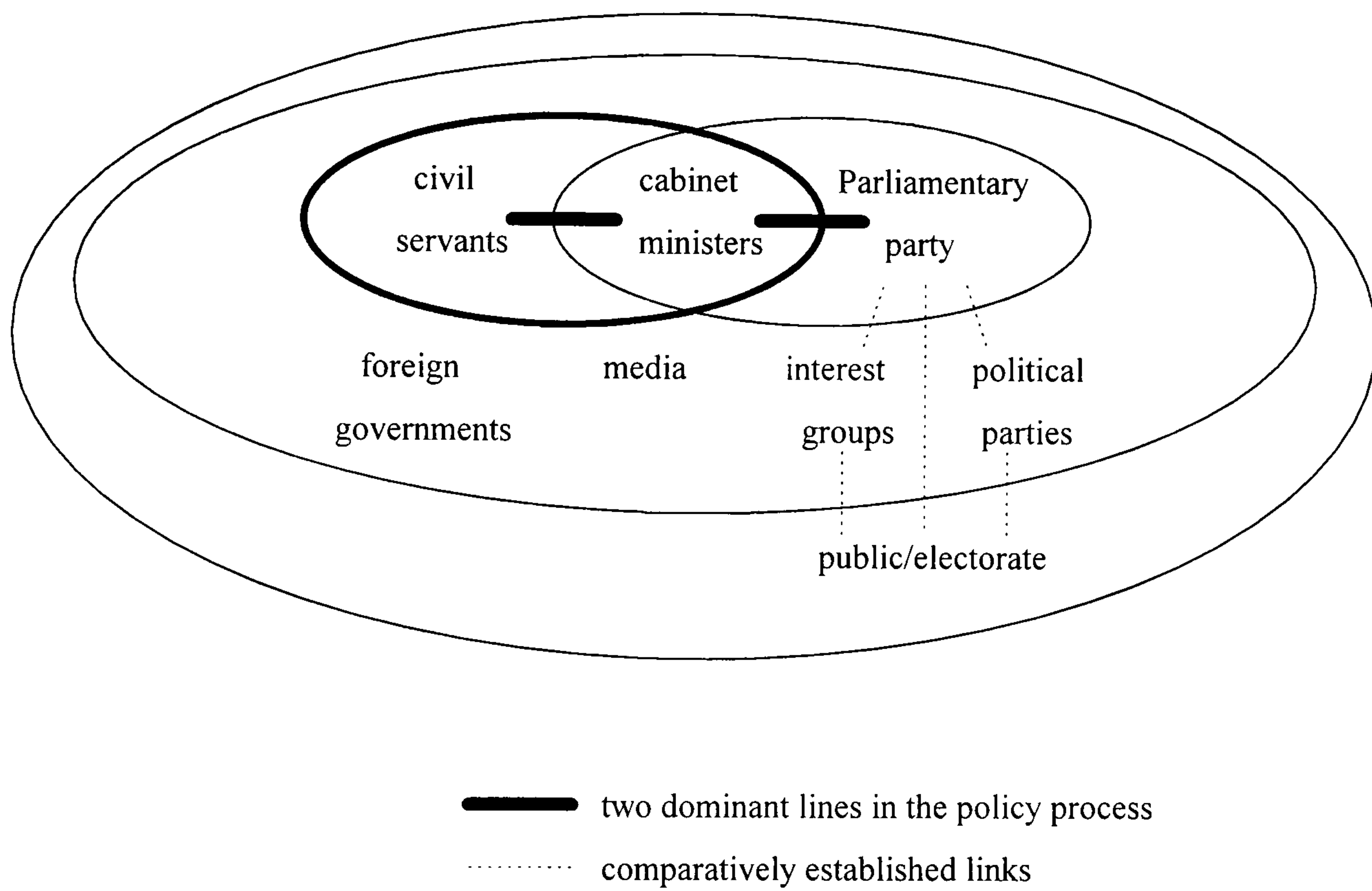


Figure 10.3 The structure in the policy process on Commonwealth immigration

servants, in particular by those at the Home Office. Their positions were backed by two conditions, or resources, namely, their specialist knowledge of the issue and their inter-departmental network which was independent from that of ministers. Civil servants established their position in the policy process as experts in this issue through repeated and detailed discussions and thus constituted the indispensable part of the policy community on Commonwealth immigration. These positions of civil servants were also supported institutionally in particular by the existence of inter-departmental negotiations at the civil servants' own level. These provided civil servants with the "horizontal" network of co-ordination of their own beyond departmental boundaries.

This thesis has therefore in common with Jordan and Richardson's 'bureaucratic accommodation' in that both emphasised the importance of co-ordination at the level of civil servants. On the other hand, these findings are rather different from their thesis as to relations between the position of civil servants and their expert knowledge. They claim, like this thesis, that in Britain civil servants are liable to sit at the centre of the network in policy making.⁹ For them this is because civil servants lack knowledge as experts in the issue. Because civil servants are not experts on issues compared with interest group staff, they try to assess the feasibility of policy through consultation with outside experts and thus establish close links with relevant interest groups.¹⁰ However, as this thesis has shown, civil servants are not always keen to establish links with outside groups. Rather, as far as the policy area in this thesis is concerned, their central co-ordinating position was assured by their domination of expert knowledge.

In this policy area ministers also had their places in the policy community.

⁹ A. Grant Jordan and J. J. Richardson, *British Politics and the Policy Process: An Arena Approach* (London, Allen and Unwin, 1987), pp.178-9.

¹⁰ Jordan and Richardson, *British Politics and the Policy Porcess*, p.171.

They had their places not in the capacity of being politicians but mainly in the capacity of being the heads of departments. Their positions in the policy process were assured constitutionally to represent departments at ministerial levels. However, unlike civil servants, they did not have special resources by which they could contribute in the policy process strongly in their own right, except for constitutional position. Ministers therefore participated in government discussions mainly as a representative of the department. This is the main reason why the difference in views between the minister and his/her officials were small in general as far as departmental ministers were concerned.

In contrast, other actors were largely excluded from the policy community on Commonwealth immigration. They had only a limited, temporary, access to the community. In the case of Parliament, parties and the public, their access was possible only with assistance of ministers acting as politicians independent of departments. However, room for ministers acting as such intermediators was very limited in this policy area.

In summary, the policy community on Commonwealth immigration had the following characteristics:

1. it was dominated by civil servants of the four major departments in this policy area and, to a lesser extent, by ministers who acted as representatives of their departments;
2. other actors such as Parliament, parties, interest groups and the public, were largely excluded or only marginally involved;
3. it was not only relatively closed and exclusionary in this respect, but also comparatively stable over time; and,
4. it was based on informal networks mainly at the level of civil servants and their knowledge, which were gradually institutionalised.

Relations between departments

Though constitutional positions assigned to ministers cannot be dismissed, in general civil servants of the four departments had the central place in the policy process in this area. It was very significant that, among the four departments, the Home Office had the central place for most of the period, the Home Office by and large kept the leading position in the policy community.

The policy community in this area emerged in the early 1950s. Before then discussions on Commonwealth immigration had taken place solely among civil servants. The Colonial Office was the main actor at this time but inter-departmental communications did not have firm institutional bases and their discussions were largely sporadic. By 1950, there had occurred a redefinition of the issue at the ministerial level. This followed a shift in responsibility within Whitehall. The gradual increase in immigration from the Commonwealth resulted in ministerial recognition of the issue shifting from a Colonial matter to domestic one. In these circumstances the policy community emerged in order to discuss the impact of immigration inter-departmentally. The Home Office, which was formally responsible for immigration control, was situated by ministers at the centre of co-ordination. Since then the Home Office was to enjoy the leading position among the four main departments until the passing of the 1962 Commonwealth Immigrants Act.

In the meantime the Ministry of Labour was given a place particularly after 1955 when the employment situation was raised on the agenda by ministers. Its assessment of the employment situation had a certain amount of influence on government policy. In contrast, the Commonwealth Relations Office did not have strong foothold in the policy community of this policy area before 1956 as the issue was mainly about immigration from the West Indies, of which the Colonial Office was formally in charge. The draft Commonwealth Immigrants Bill of 1955 was

prepared without involvement of the Commonwealth Relations Office. As a result, people from the whole Commonwealth were made subject to control in the 1955 draft Bill while Irish citizens were not. Unfortunately for the Commonwealth Relations Office, this became the basic principle of later discussions about legislation.

The dominance of the Home Office suffered a change in the period after 1962. The Ministry of Labour and the Home Office were the two most influential departments in the policy community from 1962 to 1964. The Ministry of Labour, which was formally responsible for the employment voucher scheme, gained the initiative at the civil servant level. Though the Home Office lost the leading role at this level, it still retained dominance at the ministerial level, where pressures within the government to reform the institution were not so large as those at the civil servant level. The major status of the Home Office in the policy community was reconfirmed after the Cabinet reshuffle of June 1962, as a result of which the Home Secretary was appointed Chairman of the ministerial committee on Commonwealth immigration. Between 1962 and 1964, these two departments took joint initiatives at the early stage, but the balance gradually shifted in favour of the Home Office due to its dominance at the ministerial level.

As has shown previously, the stance of the four main departments did not always point in the same direction. Rather there were conflicting views at civil servant level. The view of the Home Office is likely to dominate in the discussion, but the views of other departments were also taken into account through interdepartmental co-ordination by civil servants.

Two areas of discussion

In this policy area, ministers, as head of departments, and civil servants were interdependent within the policy community for constituting the dominant line of

the government approaching this issue. At the same time, ministers and civil servants work, to some extent, independently of and enjoyed autonomy from each other. Accordingly, there were two distinct areas of discussion within the government, one taking place among politicians and one among civil servants.

The discussion at the civil servant level started long before ministers had a major interest in this subject. In the period between 1954 and 1956, civil servants had apparently different emphasis on the issue from ministers and this resulted in deterring early legislation. In the meantime ministers also had autonomy to a certain extent from departments in the policy process.

In institutional terms, the official inter-departmental committees, which had had by and large an *ad hoc* nature, were gradually institutionalised and acquired a permanent nature from around 1957 at the latest. The official committee consolidated its independent existence and was not of secondary importance to the ministerial committee. This provided civil servants with the institutional base for their participation in the policy process. In the period between 1959 and 1961, civil servants played consistent roles on the basis of the official committee. Even when ministerial discussions on the subject were suspended, discussions were maintained at the civil servant level. From October 1959 in particular, discussions in the official committee were reported directly to the Home Secretary until a new ministerial committee was set up. Civil servants exchanged information in the official committee regularly and, after ministers had their own interdepartmental forum by the appointment of the new ministerial committee in December 1960, civil servants fed ideas to the ministerial committee through the official committee.

These two interdependent, but distinct, areas of discussion were skilfully used by the Home Office after it lost its initiative at the civil servant level by the introduction of the employment voucher scheme and the resulting establishment of the new official committee with the initiative of the Ministry of Labour. In the

period from 1962 to 1964, ministerial discussions of ministers and those of civil servants often contradicted each other and the conclusions of the latter were often reversed by the former. This occurred mainly because there were disagreements between the Home Office and the Ministry of Labour rather than because there was a difference in views between ministers and civil servants. The former took the initiative at the ministerial level but not at the civil servant level, and the latter at the civil servant level but not at the ministerial level. The Home Office was to use this two-layer structure in the policy process in order to ensure its voice being successfully listened to within the policy community.

Role of actors in the policy process and constitutional rules

The third perspective is concerned with the rules which govern the division of labour among policy makers. As was seen above, informal networks were created to link the main departments at the civil servant level. These were gradually institutionalised within the government and contributed greatly to secure the independence of civil servants from ministers in the policy process. This thesis has also shown that constitutional role expectations bound strongly the role of actors in the policy process, and make differences between the role of ministers and that of civil servants. The constitutional division of labour in the policy process explains a lot about the role of each actor.

Civil servants

The role of civil servants in the policy process is summarised in three ways, namely, producing the direction and details of policy, keeping consistency of ideas and policy, and analysing problems quickly.

Firstly, civil servants produced the direction and details of policy in this policy area. Substantial discussions about policy contents were carried out by them.

As the government discussion on the issue lasted over a long period, senior civil servants of the departments concerned emerged as a group of policy experts within the government and monopolised knowledge on the issue. They examined various aspects of immigration and formed government views on policy. The initial framework of British government's policy on Commonwealth immigration was thus established in the civil servants' meeting of February 1949. Contents of legislation which was to be introduced by the Commonwealth Immigrants Act of 1962 as well as the viewpoint against which the judgement as to whether legislation would be carried out had been largely formulated in the discussions of civil servants by 1956.

Secondly, civil servants maintained the consistency of policy. In this policy area discussions by civil servants on the issue preceded ministerial discussions. By the time ministers began to demand legislation in 1954 with the increasing anxiety in Parliament and the public, civil servants had had repeated discussions concerning Commonwealth immigration for more than five years. They kept the initial policy agreed in February 1949 despite changes in government. The contents of, and viewpoints for adopting, policy were maintained by them. They produced the "standard operating procedures" of the government machine regarding this issue, which were composed of long-held customs, traditions, work-ethics and paradigms, and these were accumulated and institutionalised as knowledge, so did the informal networks in this area. These values of the government machinery neutralised pressures by other actors in the policy process. Civil servants as the holders of the "standard operating procedures" worked to secure the continuity and stability in policy.

Thirdly, civil servants acted to deal with problems that needed quick solutions. This role was important in particular when the Commonwealth Immigrants Bill of 1961 was introduced in Parliament. Strong opposition in Parliament caused the government to seek measures to appease the opposition. New

arrangements for immigration from the Irish Republic were swiftly invented by civil servants, as well as the practicability of measures proposed from Parliament such as the Commonwealth Immigrants Advisory Council and immigration certificates were quickly discussed.

The policy of the British government in this area was thus largely maintained by civil servants. Their initiative in the policy process was guaranteed by their autonomy from ministers, which in turn was assured by the existence of the relatively closed and stable policy community. The policy community was worked to exclude the pressures, and support to ministers, from outside. In this policy area, civil servants were more than a mere conduit through which ministers can exercise top-down influence on policy. They acted as highly organised and expertly trained professional personnel powerfully influencing the shape of policy by using their knowledge and skills as well as the inter-departmental network as their resources.

Ministers and Prime Minister

In contrast to civil servants, ministers did not have a large impact on policy itself. In this policy area ministers did not influence content and contexts of policy. This was partly because they did not have much interest in these subjects, but also because the structure was gradually established in which ministers found it hard to exert influence due to their less favourable position in the policy community compared with that of civil servants.

It was true that ministers brought a distinct view from civil servants into the policy process. Ministers as politicians injected politics in the policy process, which often originated in the public, party and Parliament, and conversely they initiated measures to influence public opinion and thus to justify legislation at ministerial level. Ministers in fact facilitated discussions within the government after 1954 when the rapid increase in immigration was followed by a rise in Parliamentary

concern. Some Cabinet ministers began to claim that legislation was necessary both on entry and deportation.

However, the roles ministers played in the policy process were limited in general. As seen in the discussion of ministerial committees and official committees, ministers' discussions were largely a repetition of those of civil servants, and the opinion of ministers did not depart much from the departmental opinion. This was because, as had been explained, in this policy area ministers had fewer resources in terms of knowledge and institutions for examining the details of policy than civil servants. The chances where ministers were able to affect discussions on policy in their own right were limited to the cases where the issue had great importance in domestic politics.

This does not mean that ministers did not play any role in the policy process. Rather they played important roles in other respects. Firstly, the final decisions were made by Cabinet ministers and this norm was maintained at least formally. Ministerial committees basically acted within Cabinet directions, and official committees acted within Cabinet and ministerial committees' directions. Official committees submitted papers, which were produced based on their discussions, to the relevant ministerial committee, which in turn reported to the Cabinet. There were few examples in which civil servants made final decisions about whether to introduce concrete policy measures or not. In this sense the Prime Minister, who has the constitutional supremacy as the final tie breaker within the government are particularly important. As far as relations between civil servants and ministers were concerned, they both acted according to the division of labour based on the constitutional allocation of their competencies.

Secondly, more substantially for the policy process, ministers transformed the framework of policy discussion within the government. At the emerging stage of the policy community in particular, ministers played a decisive role in directing later

discussions. The involvement of the Home Office in the policy process was forced by ministerial decisions. It was the Cabinet that situated the Home Office at the centre of discussion by appointing the Home Secretary as chairman of the ministerial committee in 1950 and further institutionalised this by setting up an inter-departmental official committee also chaired by the Home Office in 1952. Similarly the Home Office's acquisition of the chairmanship in the ministerial committee was brought by the Cabinet reshuffle in June 1962.

Thirdly, it is also important to note that ministers changed the agenda of policy discussions. The initial discussion under the Conservative government on Commonwealth immigration was raised by Winston Churchill, the Prime Minister, in 1952. His personal interests in this issue stimulated the beginning of nine years of discussions which resulted in the introduction of the Commonwealth Immigrants Act in 1962. Similarly, the Cabinet ordered the official committee to include economic factors, in addition to social factors, on its the agenda at the end of 1955. This caused the issue of domestic labour demands to function as a deterrent to control of immigration in the economic boom until 1958.

Ministers did not greatly engage in the discussion about details of policy, but they affected the framework for discussion in terms of institution and agenda, which was to initiate the government approach to the issue.¹¹ Such top-down influence on institutions and agenda was not exerted by civil servants. This aspect of switching the circuit of government discussions was the area where Cabinet ministers had distinct roles in the policy process from civil servants. This is especially the case with the Prime Minister. As the final tie breaker within the government these roles of

¹¹ Such a change in "venues" of discussion is the point which recent studies on agenda setting such as those by Frank Baumgartner have focussed on. See, for example, Frank R. Baumgartner and Bryan D. Jones, 'Agenda dynamics and policy subsystems', *Journal of Politics*, 53, 4 (1991), 1044-74.

ministers were to be played most typically by the Prime Minister.

This shows that ministers were assured of their places in the policy process using the constitutional positions as their resource. The constitutional division of labour played a major role in determining ministers' part in the policy process.

Other actors

In contrast to civil servants and ministers, the public and Parliament had very limited roles in this policy area. Their role in the policy process of this area was dependent on ministers. Public and Parliamentary anxiety over the issue increased remarkably in late 1953. This was supported by some ministers and thus political moves within the government were activated. Consequently intensive discussions emerged at various levels within the government and finally the draft Commonwealth Immigrants Bill of 1955 was prepared and submitted to the Cabinet. Similarly wide public concern was raised by the urban disturbances in the summer of 1958. With a general election being held within a year, the government faced the need to subdue public interest on the issue. Accordingly the draft Deportation Bill was prepared in order to alleviate public anxiety.

Pressures from the public, Parliament and party were exerted on the government discussion via ministers. However, these did not have large impact on the discussion as the moves to legislation in both examples cited above failed. The only exception in this respect was the amendment on the Commonwealth Immigrants Bill in the legislation process in Parliament. Amendments were proposed in relations to Commonwealth sentiments by Conservative backbenchers and the opposition Labour Party. These were adopted by the government. However, this was possible only because it was in the legislative process where Parliament had the supreme constitutional role. The lack in the impact of these actors was because, at the initial stage of the government discussion, interest groups outside the

governments were poorly organised and weak, so that public as well as backbenchers could not establish strong links with the government concerning this issue.

4. Impact of the Policy Community on the Policy Process

The presence of the closed policy community and the structure produced around it had significant impact on the policy process in this area. As was shown in Section 2 of this Chapter, two points were particularly important characteristics in this policy process. These are explained with respect to the implication in the policy process of the policy community. Firstly, the policy community prevented, for a considerable extent, the politicisation of the issue by mitigating the influence of political pressure, and thus kept the issue from escaping out of government control. Secondly, the policy community delineated government perspectives on the issue and the option of policy measures taken.

Exclusion of political considerations

The policy community composed mainly of the four most involved departments provided the basis on which civil servants enjoyed considerable autonomy from ministers in the policy process. Such a policy making style, in which a small group of bureaucratic policy experts dominated the central areas of policy making, worked to prevent the politicisation of the issue of Commonwealth immigration, which might otherwise have occurred due to the involvement of specific interests.

As explained above, there were two areas of discussion within the government. Ministerial discussions were often motivated by political considerations, while discussions by civil servants were, to a considerable extent,

free from these. Impetus for policy change could originate in changes in recognition within the government, as well as from outside pressures. As far as the policy change in this area was concerned, the change in recognition of the issue among civil servants was more important than pressures from outside. This was well illustrated in the developments of the issue in the two periods - between 1954 and 1956 and between 1959 and 1960 - when a rapid increase in immigration was recorded. In the period from 1954 to 1956, Parliamentary pressure caused some Cabinet members to raise the issue within the government and discussions continued for several years at various levels of the government. Discussions by civil servants, however, resulted in converging on the whole to oppose legislation. In the period from 1959 to 1960, anxiety increased among civil servants particularly in the Home Office, and this paved the way to legislation.

The policy community in this area provided the basis on which civil servants enjoyed considerable autonomy from ministers in the policy process and could exert strong influence on it. The mainstream of discussion was kept at the civil servant level so that policy change required changes in the recognition of civil servants.

It was particularly important that discussions by civil servants were mostly free from political considerations. Civil servants kept their own focus on practical aspects of policy. Consequently, even when political pressures motivated the discussion within the government, political considerations were strictly confined within ministerial discussions. Involvement of civil servants in the policy process which was assured by the policy community functioned as a buffer to minimise disturbances in policy which might be caused by political factors, and enabled smooth co-ordination between actors with different interests in the background of politics.

Limitation of perspectives and policy option

The structure of the policy community is important in order for particular actors to play key roles and for particular issues to be raised or, on the contrary, set aside or neglected at the discussion table. It works to limit the scope of discussion about policy also in terms of context and measures. This is the second implication of the presence in the policy community of senior civil servants of the four departments.

In the formation process of the policy community, the basis on which the future policy was discussed was established. The growing influence of the Home Office in the policy community worked to limit the agenda and measures the government might adopt in order to tackle the issue, and thus characterised the direction of the government discussion. As regards the view on immigration, reflecting the nature of the Home Office as the Department in charge of public order, social aspects were taken more highly in the discussions than other factors such as colonial relations or the employment situation. Potential negative social impacts of immigration dominated the government discussion consistently rather than the positive benefits to the labour market and the economy in general. Colonial immigration was considered as a burden rather than as an asset.

Meanwhile, for the same reasons, policy as an output of the government was managed from the perspective of regulation. The only formal remit held by the Home Office as regards immigration, therefore the only interest of the Home Office as regards Commonwealth immigration, was to control immigration. Policy options which were not normally dealt with by the Home Office, for example, policy against racial discrimination and prejudice, and social policy such as service provision in the field of housing, employment and welfare, were not expected to be raised in the discussion. Such perspectives were not seriously taken within discussions of civil servants which were led by the Home Office. These needs of the new minorities were easily overwhelmed by the need to deter influx or raised only to justify control. The central theme of policy discussions was thus fixed on the single point "how to

reduce immigration", though ministerial committees established after 1955 were named simply "Committee on Colonial Immigrants" or "Commonwealth Migrants Committee".¹²

It was therefore very important that, throughout most of the period, the Home Office kept the leading position in the policy community. With the gradual consolidation of the policy community, in which discourse and composition matched, the issue became confined to a possibility of restricting a further increase in influx. The centrality of the Home Office worked to strengthen the recognition of the issue from social concern and to limit the possible policy measure to regulation.¹³

There were other perspectives which were raised temporarily in the government discussion. The main among these were external relations and the economic situation, which were respectively the main concerns of the Colonial

¹² The issue about the welfare of immigrants did not have an independent policy community. This aspect of immigration was left for the remit of the Colonial Office. The Department's interest in this aspect appeared in the official committee CPUK from 1950 and another official committee in the late 1950s. These inter-departmental committees were not the shadow of a ministerial committee, and their discussions seldom came up to ministerial level. The only exception in this respect was a plan for a West Indian Housing Association which emerged soon after the 1958 disturbances. This was to improve housing situations of those from the West Indies by encouraging the supply of accommodation for them. This plan, however, resulted in failure because major sponsors for the Association were not found. The plan was brought to the ministerial level. It was, however, through the channel of the policy community led by the Home Office. See, for example, Note of a meeting in the Home Office, 13 Nov 58, CO1032/197; J. M. Ross, Assistant Secretary, HO, to I. B. Watt, Assistant Secretary, CO, 14 May 59, CO1032/197; CCI(59)1, 10 Jul 59, CAB134/1467.

¹³ For this reason, it has often been claimed that social policies related to the integration of ethnic minorities and measures for anti-discrimination should be separated from the remit of the Home Office. The Home Office has actually formal responsibilities on significant parts of these two policy areas. See, for example, Nicholas Deakin, 'Racial integration and Whitehall: a plea for reorganisation', *Political Quarterly* 39, 4 (1968), 415-26; Jaqi Nixon, 'The Home Office and race relations policy: coordinator and initiator', *Journal of Public Policy* 2, 4 (1982), 365-78.

Office, the Commonwealth Relations Office and the Ministry of Labour. External relations actually acted to mitigate the impact of social concern and to slow down the straight-forward move to restriction. The Colonial Office and the Commonwealth Relations Office, which represented these interests, were fully incorporated in the policy community and important actors in this policy area. However, these factors could not be so decisive as to reject social perspectives in the policy community. Moreover, in the 1960s, these two Departments gradually lost their influence in the Whitehall as the importance of relations with the Commonwealth in British politics decreased.

Nevertheless, external relations, especially relations with Commonwealth governments, were significant in the policy process in two respects. Firstly, relations with the "old" Commonwealth countries and the future of the West Indian Federation were important enough to postpone legislation until 1961. The Colonial Office strongly opposed legislation as this might adversely affect the Federation, and in fact the Jamaican referendum in September 1961 was decisive for the timing of legislation. Secondly, Commonwealth sentiments in British domestic politics were also important in the legislative process of the Commonwealth Immigrants Act. The position of Irish citizens and the duration of legislation, in particular as compared with alien legislation, were both thought to be damaging to relations with the Commonwealth. Commonwealth sentiments had importance in the policy process in the context of British domestic and Parliamentary politics and not necessarily in the context of concrete relations with the Commonwealth.

Meanwhile, the economic perspective, which was the major concerns of the neighbouring West European governments in this period, was the least respected of the three main contexts of policy, though it was injected as the point of examination in the official committee CWP(3) at the end of 1955 and, since then, acted as a deterrent to immigration control until 1958. The economic implications of

immigration were little considered except for the employment situation, which the Ministry of Labour was monitoring. Still the focus of monitor was on levels of unemployment rather than the positive contribution in terms of skills and economic growth. In fact, the Ministry of Labour was not a department which had much interest in economic aspects of immigration 'in general'. After the 1962 Act, when the Ministry of Labour took initiatives at the civil servant level, its management of the voucher scheme was not linked to the situation of employment but simply to the number of application for vouchers.

This abnormality appeared typically when the Treasury attended the official committee meeting for the first time in the summer of 1961. At this stage the introduction of the Commonwealth Immigrants Bill in Parliament was already imminent. Nevertheless the Treasury showed strong objection to restriction from the economic perspectives. The Treasury was the most important department which could have represented economic perspectives in government discussions as the department in charge of macro economic management. It was persistently concerned about the shortages of labour in the national economy and had less negative view of Commonwealth immigration than other departments. However, it was not much involved, and thus its view was not reflected, in government discussions. It is true that after 1962 the Treasury gained a permanent seat at ministerial committees in this policy area. Its fear about the loss of the essential labour by the drastic reduction in voucher issue was to some extent respected thereafter, particularly in modifying the voucher scheme. However its voice in the government discussion was not still very strong since it did not have a corresponding seat at, more important, civil servant levels. Moreover the involvement of the Treasury in the policy process of this area was too late for the Department to influence the critical formulation of policy. As a result, economic factors had surprisingly little impact in the government discussion.

As has been argued here, the context and options of policy on Commonwealth immigration was largely constrained by the structure of the policy community made up of the four major departments. The policy community on Commonwealth immigration which was established in the process leading to the introduction of the Commonwealth Immigrants Act was so closed and stable that it was not much responsive to pressure from outside. It was firmly supported in terms of composition and discourse. The Home Office had been given the central place in the policy community and this position was in turn legitimised by powerful discourses within the government which emphasised the fear of social tensions. There were interdependent relations between the involvement of the Home Office in the policy process and the direction of discussion.

5. Implication of the Thesis

Contribution of the thesis

This thesis has exhibited the role of civil servants in the policy process, which has been underrated and disregarded in the previous studies of British policy making. It showed the detailed mechanism in the policy process of the executive-departmental area, which the "Whitehall models" have not shown. This thesis therefore largely complements the major existing works over British government such as those on the consensus/adversary politics thesis and on the Prime Minister's 'presidential power' thesis, which have emphasised the role of political parties, Cabinet members and the Prime Minister.

In this thesis the role of civil servants was illuminated in terms of the structure in the policy process, which appeared along with the development of policy. Informal networks between actors were examined and it was found that civil

servants were as important actors as politicians in the policy process. In particular, this thesis has made clear the existence of civil servant's co-ordination in the executive-departmental relations, which has been pointed out in the case of relations between departments and interest groups by Jordan and Richardson's bureaucratic accommodation model but not specifically pointed out in other areas. It has also made clear the mechanism where this co-ordinative role worked to limit the context and option of government policies and to exclude external political pressures from the policy process to a significant extent.

This thesis has also found that knowledge and skills concerning the particular policy area are accumulated in the department and thus constitute an important resource of civil servants, along with inter-departmental institutions, when they play roles in the policy process. This refutes the amateurism of civil servants which is claimed to be important for civil servants to establish consultative relations with outside groups. Furthermore, the thesis confirmed the existence of the division of labour between ministers and civil servants and made clear the details of their interdependence. This was to sharply contrast to the view of bureaucratic domination over ministers raised in Chapter 2.

The structure in the policy process and the division of labour with ministers

These new findings are explained more in detail. Although they are all interlinked with each other, the resources of civil servants in the policy process and the division of labour are concerned with the nature of the structure in the policy process. Two points have been raised in this thesis as the ones that are important in the structure in the policy process. Firstly, this thesis has made clear the impact of informal networks within the government in the policy process. In particular it has shown that in some policy areas there is a closed policy community in its policy process, which is important in the policy process at least from the following perspectives:

1. the policy community functions to accumulate knowledge, and this resulted in producing values and views unique to the actors deeply involved in the policy area;
2. the policy community provides civil servants with the basis on which they play a major role in the policy process as experts on a particular policy; and,
3. the policy community works to limit the scope of policy, that is, contexts and option being adopted.

This thesis has shown the importance of informal networks in the policy process. However, this by no means denies the importance of constitutional rules. Despite the importance of informal networks in the policy process, formal arrangements and rules in a particular polity are also important as has been seen in the role of ministers. The structure in the policy process consists of both informal networks and constitutional rules.

This point is therefore made more explicit by referring again to the relations between civil servants and the core executive. The findings in this thesis as regards the role of civil servants shows the existence of co-ordination by civil servants. Bureaucratic mechanisms in Whitehall provide the essential integration, especially the official committee system, regular meetings of senior civil staffs, and multiple Whitehall information networks.

This does not mean that no core executive, however structured, is able to fully control a modern government machinery. The core executive also plays an important, not secondary, role in managing the machine. Ministers, above all the Prime Minister, have constitutional supremacy over civil servants so that they can play distinct roles in the policy process on final decision making and both institutional and agenda setting. These points in particular the latter two indicate that the structure in the policy process may be changed by ministers. There is a division of labour between ministers and civil servants. The bureaucratic co-

ordination found in this thesis never denies the role of the Prime Minister and the core executive, rather it is complementary to the recent discoveries in these areas from the policy process perspectives. The role of the Prime Minister and the core executive in the policy process is still important and distinct from that of civil servants.

Consensual style of the British government and the limitation of this thesis

Meanwhile, as far as the co-ordinative role of civil servants and its dynamism in the policy process are concerned, they can be understood in terms of the impact of the structure in the policy process. This thesis has shown two points in particular as regards implications in the policy process of the existence of the relatively closed policy community within the government, namely: the policy community prevented the influence of political pressure and thus kept the issue from escaping out of government control; and, the policy community delineated government perspectives on the issue and the option of policy measures to be taken.

The consensual/adversarial thesis regarding party politics as well as bureaucratic thesis show that the British policy process tends to incorporate main actors within certain boundaries, where a particular policy issue is discussed in consensual manners. This thesis has added a concrete example of such consensual style in the British policy process to these previous theses from the new perspective, namely, the executive-departmental side within the government. The basis of consensual politics has been examined in detail by revealing structural conditions on which each government actor played their interdependent, but unique role within the policy process. The considerable involvement of civil servants in the policy process and the significant division of labour between ministers and civil servants, which has shown in this thesis, worked to minimise the conflicts within the government by providing co-ordination at a lower level which limits the context and

option of policy and excludes political pressures.

The findings in this thesis, however, are not necessarily generalisable to all parts of the British policy process. The conditions these characteristics appears in a particular policy area are: 1) ministers have little interest in or little will to intervene the issue; 2) the policy process has a relatively long time-span which enables informal networks and expert knowledge to be institutionalised and to be available as the resources of civil servants; and, 3) organised interests outside the government are non-existent or weak so that the public and backbenchers fail to establish links with the core executive to influence its opinion strongly.

Among these conditions, more important as determinants of civil servants' influence in the policy process than the last are the former two: ministers' interest in a particular issue and the degree of institutionalisation of informal networks for the issue. The extent of the latter overwhelming the former is the likelihood in which the policy process shown in this thesis appears. This means in other words that repeated policy making in which the relative importance of constitutional roles is not strong as compared with informal rules in governing the policy process is the condition.

This thesis has illuminated and analysed the role of civil servants as policy experts at the centre of the policy process. In this policy area the influence of such a small group of bureaucratic experts expanded as government discussions on the issue developed. This might reveal, from a constitutional point of view, the undemocratic side of the policy process in that non-elective civil servants can exert great influence in formulating policy.

However from the view of the discipline of political science, which has the aim of illuminating political realities, the very recognition that the influence of civil servants in the policy process may not be small in some policy areas should be invaluable. The significance of the role of policy experts in democratic political

systems should not necessarily lie, as is often raised as a matter of anxiety, in their ability to manipulate elected representatives and gain unaccountable control over the government, but should lie in their ability to provide the intellectual means for formulating public policies.

As Birch remarks when he writes about his Whitehall model, a model that focuses on the bureaucratic side of the government sees government as a way of providing public services and promoting the public interest, and tends to regard party conflict as a distraction which may be necessary but which is somewhat irrelevant to the main business in hand. This contrasts sharply with the view based on the values of the democratic theorist, who thinks that the essential criteria of good government are that all shades of opinion should be reflected in public discussion and that in the end the will of the majority should prevail.¹⁴ Informality within the government is to develop to promote efficiency in the policy process and formality based on constitutional principles is to develop to secure and promote public representation.

¹⁴ Anthony H. Birch, *The British System of Government* (London, George Allen and Unwin, 3rd ed., 1973), p.38.

Appendix

Appendix 1 Chronology

1945	July	The Labour Party wins the general election; Clement R. Attlee takes office as Prime Minister
1947	Feb	The Treasury's <i>Economic Survey</i> shows a positive view to the introduction of foreign workers
1948	Mar	The Colonial Office proposes the Ministry of Labour the introduction of workers from the West Indies
	Jun	492 Jamaicans arrive at Tilbury by the <i>Empire Windrush</i>
	Sep	108 Jamaicans arrive at Liverpool by the <i>Orbita</i>
	Oct	The official committee CLWP (chairman: J. M. Martin, Assistant Under-Secretary, Colonial Office) is set up in order to consider the possibility of introducing workers from the West Indies
1949	Feb	The possibility of introducing legislative control on the entry of colonial subjects is referred to at an interdepartmental meeting of officials held at the Home Office
	Jun	The Royal Commission on Population publishes its report in which the Commission shows a negative view on large scale immigration
	Jul	The CLWP in its final report shows the view that there are no overall labour shortages in the UK
1950	Feb	The Labour Party wins the general election
	Mar	The Cabinet discusses about colonial immigration and establishes the ministerial committee GEN325 with the Home Secretary (J. Chuter Ede) being chairman in order to examine the means to prevent increase in immigration from the Colonies and the possibility of legislation for this purpose
1951	Jan	The ministerial committee GEN325 concludes that it is difficult to legislate on immigration
	Oct	The Conservative Party wins the general election; Winston S. Churchill takes office as Prime Minister
1952	Nov	The Cabinet discusses about colonial immigration; the official committee CWP is set up with the Home Office chairman (W. H. Cornish, Assistant Under-Secretary) in order to consider measures

- to prevent colonial people from obtaining jobs in the UK
- 1953 Dec The CWP produces its report and shows the view that legislation on entry and deportation is the only effective measure to prevent colonial people from obtaining jobs in the UK
- 1954 Mar A question is raised in the Commons as to whether the government sets up a committee of enquiry; the Cabinet rejects the idea
- May The official committee CWP(2) is set up (chairman: W. H. Cornish, Assistant Under-Secretary, Home Office) in order to consider about the details of legislation on entry and deportation
- Oct The CWP(2) produces its second and final report in which it shows the view that legislation should in fact cover the whole Commonwealth and that Irish citizens should be exempted from control
- Dec The Cabinet decides to draft a Bill for entry and deportation
- 1955 Jan A Private Member's Bill to restrict immigration is prepared by Cyril Osborne
- Apr Anthony Eden replaces Winston Churchill as Prime Minister
- May The government's draft Commonwealth Immigrants Bill is submitted to the Cabinet
- May The Conservative Party wins the general election
- Jun The draft Commonwealth Immigrants Bill is reintroduced to the Cabinet; however, the Cabinet defers decision on the Bill
- Jul The official committee CWP(3) is established (chairman: W. H. Cornish, Assistant Under-Secretary, Home Office) in order to consider about the social and economic problems of immigrants
- Aug The CWP(3) produces a report in which the committee shows the view that legislation could not be justified
- Nov The Cabinet decides to postpone the introduction of the Commonwealth Immigrants Bill in Parliament; instead, it sets up a ministerial committee CI with the Lord Chancellor (Viscount Kilmuir) being chairman in order to consider as to whether legislation could be justified
- 1956 Jun The ministerial committee CI produces its report in which it concludes legislation could not be justified
- Jul The Cabinet decides to shelve the discussion about Commonwealth immigration for one year

- 1957 *Jan* Harold Macmillan replaces Anthony Eden as Prime Minister; the ministerial committee CCI (chairman: Viscount Kilmuir, Lord Chancellor) is established
- 1958 *Jan* The West Indian Federation comes into existence
- Jan* The rapid increase in immigration from India and Pakistan is reported to the CWP(3)
- Aug* The deterioration in employment is reported to the CWP(3)
- Aug* Urban disturbances brake out in London, which were followed by disturbances in Nottingham in September
- Sep* The Cabinet decides to draft a Deportation Bill
- 1959 *Jan* The draft Deportation Bill is presented to the ministerial committee CCI
- Feb* The Cabinet decides that it does not introduce the Deportation Bill to Parliament
- Oct* The Conservative Party wins the general election
- 1960 *Jun* The increase in immigration from the West Indies is reported to the Cabinet
- Nov* The Colonial Office produces a report which shows voluntary restrictions by the West Indian governments have collapsed
- Nov* The Cabinet decides to reconstitute a ministerial committee on Commonwealth immigration
- Dec* The ministerial committee CCM (chairman: Viscount Kilmuir, Lord Chancellor) is established
- 1961 *Feb* The Cabinet decided to prepare legislation on immigration control and deportation, which could be published, if necessary, in the Parliamentary session from the autumn
- May* The ministerial committee CCM recommends the Cabinet to introduce the Commonwealth Immigrants Bill to Parliament; the Cabinet defers decision
- Sep* Jamaica rejects in its referendum to stay in the West Indian Federation
- Oct* The Cabinet decides to introduce the Commonwealth Immigrants Bill to Parliament
- Nov* The Commonwealth Immigrants Bill is published
- 1962 *Feb* The Commonwealth Immigrants Bill passes the Commons
- Mar* The official committee VWP is established (chairman: C. J. Maston)

- Under Secretary, Ministry of Labour) on the initiative of the Ministry of Labour
- Apr* The Commonwealth Immigrants Bill receives Royal Assent
- May* The ministerial committee CCM is reconstituted as CIC (chairman: Viscount Kilmuir, Lord Chancellor)
- Jul* Part I of the Commonwealth Immigrants Act (immigration control) comes into effect; the rate of the issue of vouchers is initially set at 750 a week
- Jul* The Cabinet reshuffle results in the Home Secretary (Henry Brook) taking the chair in the ministerial committee CIC
- Jul* The rate of the issue of vouchers is raised to 900 a week
- Dec* "Disregarded" vouchers for applications from India and Pakistan were introduced; the rate of the issue of vouchers is set at 750 a week plus "disregarded" vouchers at 600 a week
- 1963 *Jul* The "disregarded" voucher is abandoned after a rapid increase in immigration from India and Pakistan from the spring; the "one-quarter rule" is introduced, instead
- Oct* The ministerial committee CIC expresses concerns about the high level of immigration of the year up to the month and decides to suspend the new issue of C vouchers for applications from India and Pakistan as well as to curtail the rate of the issue of vouchers to 500 a week
- Oct* The report by civil servants on previous surveys of social and economic aspects is presented to the ministerial committee CIC
- Oct* Alec Douglas-Home replaces Harold Macmillan as Prime Minister; The ministerial committee CCI (chairman: Henry Brooke, Home Secretary) replaces the CIC
- Nov* The rate of the issue of vouchers is reduced to 400 a week; the criteria of the issue of A and B vouchers are reviewed and restricted
- 1964 *Apr* The Home Secretary (Henry Brooke) reports to the Cabinet the possibility of abolishing C vouchers; the Cabinet decides to shelve decisions on Commonwealth immigration until after the general election; the Cabinet also decides to review its policy under the 1962 Act and formulate a new plan for future discussion
- Jun* Applications for C vouchers from India and Pakistan are suspended

- Jul* The second report by civil servants on the survey of economic impacts of immigration is submitted to the ministerial committee CCI
- Jul* The Home Secretary (Henry Brooke) submits to the Cabinet the outlines of a plan to reform policy on admission of entry for Commonwealth immigrants
- Sep* The Home Secretary (Henry Brooke) submits to the Cabinet the plan to reform policy on admission of entry for Commonwealth immigrants, in which the proposed rate of the issue of vouchers is amended to be 250 a week
- Oct* The Labour Party wins the general election; Harold Wilson takes office as Prime Minister

Appendix 2 The Cabinet, Main Committees and Meetings

1. Cabinet and main ministers concerned

Clement R. Attlee (Jul 45 - Feb 50)

Home Secretary:	J. Chuter Ede
Minister of Labour:	George A. Isaacs
Colonial Secretary:	George H. Hall (until Oct 46); A. Creech Jones (from Oct 46)
Commonwealth Secretary *:	Viscount Addison (until Oct 47); Philip J. Noel-Baker (from Oct 47)
Cabinet meetings on this issue:	0

* *Until July 1947, Dominion Secretary.*

Clement R. Attlee (Feb 50 - Oct 51)

Home Secretary:	J. Chuter Ede
Minister of Labour:	George A. Isaacs (until Jan 51); Aneurin Bevan (Jan 51 - Apr 51); A. Robens (from Apr 51)
Colonial Secretary:	James Griffiths
Commonwealth Secretary:	Patrick C. Gordon-Walker
Cabinet meetings on this issue:	3 (1950:2, 1951:1)

Winston Churchill (Oct 51 - Apr 55)

Home Secretary:	David Maxwell-Fyfe (until Oct 54); Gwilym Lloyd-George (from Oct 54)
Minister of Labour:	Walter Monckton
Colonial Secretary:	Oliver Lyttleton (until Jul 54); Alan Lennox-Boyd (from Jul 54)
Commonwealth Secretary:	Lord Ismay (until Mar 52); The Marquess of Salisbury (Mar 52 - Dec 52); Viscount Swinton (from Dec 52)

Lord President: The Marquess of Salisbury (from
Dec 52)
Cabinet meetings on this issue: 13 (1952:2, 1954:5, 1955:6)

Anthony Eden (Apr 55 - Jan 57)

Home Secretary: Gwilym Lloyd-George
Minister of Labour: Walter Monckton (until Dec 55);
Iain Macleod (from Dec 55)
Colonial Secretary: Alan Lennox-Boyd
Commonwealth Secretary: The Earl of Home
Lord President: The Marquess of Salisbury
Lord Chancellor: Viscount Kilmuir
Cabinet meetings on this issue: 8 (1955:5, 1956:3)

Harold Macmillan (Jan 57 - Oct 59)

Home Secretary: R. A. Butler
Minister of Labour: Iain Macleod
Colonial Secretary: Alan Lennox-boyd
Commonwealth Secretary: The Earl of Home
Lord Chancellor: Viscount Kilmuir
Cabinet meetings on this issue: 6 (1957:1, 1958:4, 1959:1)

Harold Macmillan (Oct 59 - Feb 63)

Home Secretary: R. A. Butler
Minister of Labour: John Hare
Colonial Secretary *: Iain Macleod (until Oct 61);
Reginald Maudling (Oct 61 - Jul 62)
Commonwealth Secretary *: Duncan Sandys
Lord Chancellor: Viscount Kilmuir (until Jul 62)
Cabinet meetings on this issue: 8 (1960:2, 1961:6)

* On July 1962, the posts of Colonial and Commonwealth Secretary were merged into one.

Alec Douglas-Home (Oct 63 - Oct 64)

Home Secretary: Henry Brooke
Minister of Labour: Joseph Godber

Commonwealth and Colonial Secretary:
Duncan Sandys
Cabinet meetings on this issue: 3 (1964:3)

2. Ministerial committees and other main ministerial meetings

Immigration of British Subjects into the United Kingdom (code GEN325)

Established: 22 June 1950

Final meeting: 10 January 1951

Number of meetings: 2

Chairman: J. Chuter Ede (Home Secretary)

Other Members:

Minister of Labour (G. A. Isaacs)

Minister of Health (Aneurin Bevan)

Colonial Secretary (James Griffiths)

Scottish Secretary (Hector McNeil)

Commonwealth Secretary (Patrick C. Gordon Walker)

Attorney-General (Hartley Shawcross)

Terms of reference:

'To consider and report to the Cabinet what further means might be adopted to control the immigration into this country of coloured people from British Colonial territories, if amending legislation were passed limiting the right of British subjects, or if any class of British subjects, to enter and reside in the United Kingdom, and what issues of policy would be involved in making such a change in the existing law'

Committee on Colonial Immigrants (code CI)

Established: 7 December 1955

Final meeting: 4 October 1956*

Number of meetings: 3*

Chairman: Viscount Kilmuir (Lord Chancellor)

Other members:

Home Secretary (Gwilym Lloyd-George)

Commonwealth Secretary (The Earl of Home)

Colonial Secretary (Alan Lennox-Boyd)

Minister of Labour (Walter Monckton; from 23 Dec 55, Iain Macleod)

Lord President (The Marquess of Salisbury)

Attorney-General (Reginald Manningham-Buller)

Terms of reference:

'To consider what form legislation should take, if it were to be decided that legislation to control the entry into the United Kingdom of British subjects from overseas should be introduced; to consider also the intended effect of such legislation upon actual immigration, how any such control would be justified to Parliament and the public, and to the Commonwealth countries concerned; and to report to the Cabinet'

** Confirmed final meeting and number of meetings. It is highly likely that the fourth meeting was held on 22 October 1956; however, documents concerned with this meeting have not been published.*

Committee on Colonial Immigrants (code CCI)

Established: 24 January 1957

Final meeting: 22 July 1959

Number of meetings: 6

Chairman: Viscount Kilmuir (Lord Chancellor)

Other members:

Home Secretary (R. A. Butler)

Commonwealth Secretary (The Earl of Home)

Colonial Secretary (Alan Lennox-Boyd)

Minister of Labour (Iain Macleod)

Lord President (The Marquess of Salisbury; from Mar 57,

The Earl of Home; from Jun 57, Viscount Hailsham)

Attorney-General (Reginald Manningham-Buller)

Terms of reference:

'To consider what form legislation should take, if it were to be decided that legislation to control the entry into the United Kingdom of British subjects from overseas should be introduced; to consider also the intended effect of such legislation upon actual immigration, how any such control would be justified to Parliament and the public, and to the Commonwealth countries concerned; and to report to the Cabinet'

Commonwealth Migrants Committee (code CCM)

Established: 13 December 1960

Final meeting: 29 September 1961

Number of meetings: 4

Chairman: Viscount Kilmuir (Lord Chancellor)

Other members:

Home Secretary (R. A. Butler)

Commonwealth Secretary (Duncan Sandys)

Colonial Secretary (Iain Macleod; from Oct 60, Reginald Maudling)

Minister of Housing (Henry Brooke)

Minister of Labour (John Hare)

Chancellor of the Duchy of Lancaster (Charles Hill; from Oct 60, Iain Macleod)

Minister of Health (Enoch Powell)

Attorney-General (Reginald Manningham-Buller).

Terms of reference:

'To consider and keep under review the problems caused by the uncontrolled entry into the United Kingdom of British subjects from overseas'

Informal ministerial meetings held in the Cabinet Office on 19 and 26 October 1961

Attended by: Home Secretary (R. A. Butler)
Lord Chancellor (Viscount Kilmuir)
Lord President (Viscount Hailsham)
Commonwealth Secretary (Duncan Sandys)
Colonial Secretary (Reginald Maudling)
Minister of Labour (John Hare)
Chancellor of the Duchy of Lancaster (Iain Macleod)
Treasury Parliamentary Secretary (Martin Redmayne)

Commonwealth Immigrants Bill (code GEN756)

Established: 23 November 1961

Final meeting: 30 November 1961

Number of meetings: 4

Chairman: Harold Macmillan (Prime Minister)

Other members:

Lord Chancellor (Viscount Kilmuir)

Lord President (Viscount Hailsham)

Home Secretary (R. A. Butler)

Commonwealth Secretary (Duncan Sandys)

Colonial Secretary (Reginald Maudling)

Minister of Labour (John Hare)

Chancellor of the Duchy of Lancaster (Iain Macleod)

Minister of Pensions (John Boyd-Carpenter)

Minister of Transport (Ernest Maples)

Scottish Secretary (John Maclay)

Attorney-General (Reginald Manningham-Buller)

Treasury Financial Secretary (Edward Boyle)

Treasury Parliamentary Secretary (Martin Redmayne)

Commonwealth Immigration Committee (code CIC)

Established: 1 May 1962

Final meeting: 7 October 1963

Number of meetings: 13

Chairman: Viscount Kilmuir (Lord Chancellor);
from Jul 62, Henry Brook (Home Secretary)

Other members:

Home Secretary (R. A. Butler; from Jul 62, Henry Brooke)

Commonwealth Secretary (Duncan Sandys)

Colonial Secretary (Reginald Maudling; from Jul 62, Duncan
Sandys)

Minister of Labour (John Hare)

Minister of Housing (Charles Hill; from Jul 62, Keith Joseph)

Minister of Pensions (John Boyd-Carpenter)

Minister of Health (Enoch Powell)

Scottish Secretary (John Maclay; from Jul 62, Michael
Noble)

Attorney-General (Reginald Manningham-Buller)

Treasury Financial Secretary (Edward Boyle)

Terms of reference:

'To consider problems relating to Commonwealth immigration into the United Kingdom'

Commonwealth Immigration Committee (code CCI)

Established: 25 October 1963

Final meeting: 28 July 1964

Number of meetings: 5

Chairman: Henry Brook (Home Secretary)

Other members:

Commonwealth and Colonial Secretary (Duncan Sandys)

Minister of Labour (Joseph Godber)

Minister of Housing (Keith Joseph)

Minister of Pensions (Richard Wood)

Minister of Health (Anthony Barber)

Scottish Secretary (Michael Noble)

Attorney-General (John Robson)

Treasury Financial Secretary (Alan Green)

Terms of reference:

'To consider problems relating to Commonwealth immigration into the United Kingdom'

3. Official committees and other main inter-departmental meetings by civil servants

Working Party on the Employment in the United Kingdom of Surplus Colonial Labour (code CLWP)

Period: October 1948 - July 1949

Chairman: J. M. Martin (Assistant Under-Secretary, Colonial Office)

Member: Ministry of Agriculture

Colonial Office

Foreign Office

Ministry of Fuel and Power

Ministry of Health

Home Office

Ministry of Labour

Ministry of National Insurance
Treasury

Terms of reference:

'To enquire into the possibilities of employing in the United Kingdom surplus manpower of certain Colonial territories in order to assist the manpower situation in this country and to relieve unemployment in those Colonial territories'

Home Office meeting of 18 February 1949

Chairman: William S. Murrie (Deputy Under-Secretary, Home Office)

Attended by: Home Office

Treasury

Colonial Office

Commonwealth Relations Office

National Assistance Board

Ministry of Transport

Ministry of Labour and National Service

Ministry of Civil Aviation

Ministry of Health

Inter-Departmental Committee on Colonial People in the United Kingdom (code CPUK)

Period: May 1949 - (1952 ?)

Chairman: J. B. Williams (Assistant Under-Secretary, Colonial Office)

Member: Colonial Office

Ministry of Health

Home Office

Ministry of Labour

National Assistance Board

Ministry of Transport

Treasury

Cabinet Office meeting of 22 March 1950

Chairman: Norman Brook (Cabinet Secretary)

Attended by: Home Office

Ministry of Labour

Ministry of Health
Colonial Office
Commonwealth Relations Office

Meetings of civil servants in support of GEN325

Period: June 1950 - January or February 1951
Chairman: (William S. Murrie, Deputy Under-Secretary, Home Office ?)
Attended by: Colonial Office
Home Office
Ministry of Labour
Commonwealth Relations Office
Cabinet Office

Working Party on Coloured People Seeking Employment in the United Kingdom
(code CWP)

Period: December 1952 - December 1953
Chairman: W. H. Cornish (Assistant Under-Secretary, Home Office)
Member: Home Office
Colonial Office
Commonwealth Relations Office
Ministry of Labour
Scottish Home Department
Ministry of Transport

Terms of reference:

'to examine the possibilities of preventing any further increase in the number of coloured people seeking employment in the United Kingdom'

Working Party to Consider Certain proposals to restrict the right of British Subjects from overseas to Enter and Remain in the United Kingdom (code CWP(2))

Period: May 1954 - October 1954
Chairman: W. H. Cornish (Assistant Under-Secretary, Home Office)
Member: Home Office
Colonial Office
Commonwealth Relations Office
Ministry of Labour

Scottish Home Department
Ministry of Transport

Terms of reference:

'To consider proposals:

(1) to take power to restrict entry to the United Kingdom of Commonwealth citizens not resident in the United Kingdom, and in particular the question

(a) whether the proposals should apply only to citizens of the United Kingdom and Colonies resident overseas:

(b) whether requiring citizens of the United Kingdom and Colonies from overseas entering this country other than on a temporary basis to deposit a sum of £25 would be a sufficient deterrent to persons coming to the United Kingdom without resources or firm prospects of employment:

(2) to take power to deport from the United Kingdom any Commonwealth citizen convicted of certain offences and persons considered undesirable or who become a charge on public funds'

Working Party to Report on the Social and Economic Problems Arising from the Growing Influx into the United Kingdom of Coloured Workers from Other Commonwealth Countries (code CWP(3))

Period: July 1955 - (April 1962 ?) *

Chairman: W. H. Cornish (Assistant Under-Secretary, Home Office);
from September 1956, K. B. Paice (Assistant Under-Secretary, Home Office)

Member: Home Office
Colonial Office
Commonwealth Relations Office
Ministry of Labour and National Service
Ministry of Transport and Civil Aviation
Scottish Home Department
National Assistance Board
Ministry of Health
Ministry of Housing and Local Government
Department of Health for Scotland

Terms of reference:

'Whether any, and if so what, administrative or social problems arise from the immigration into the United Kingdom of persons from other parts of the Commonwealth and the Republic of Ireland;
What administrative measures would be feasible if any control over the entry and settlement of such persons were thought necessary;
What interference with the traditional ties between this country and other parts of the Commonwealth would be involved in any such measures'

** One meeting was held under the name of this committee on 14 February 1964.*

Voucher Working Party (code VWP)

Period: March 1962 - (at least 1965)
Chairman: C. J. Maston (Under Secretary, Ministry of Labour)
Members: Home Office
Colonial Office
Commonwealth Relations Office
Ministry of Labour
Ministry of Education
Ministry of Health
Ministry of Housing and Local Government
Ministry of Pensions and National Insurance

Bibliobraphy

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1. Government Documents - PRO documents

Public Record Office:

Ruskin Avenue, Kew, Richmond, Surrey TW9 4DU

The titles of series and files shown below are based on information respectively from the Public Record Office Current Guides (Kew, PRO, periodically revised) and the cover page of each file.

a. Cabinet Office

CAB21 Cabinet Office: registered files (1916 -)

1734 - Cabinet Committee on Immigration of British Subjects into the United Kingdom: composition and terms of reference

CAB124 Lord President of the Council: Secretariat Files (1940 - 70)

1191 - Office of the Lord President of the Council: Proposal to restrict the right of British subjects from overseas to enter and remain in the United Kingdom: ministerial discussions 1954 (12/3/54 - 31/12/54)

CAB 128 Cabinet minutes from 1945 (1945 -)

16 -	(1949)
17 -	(1950)
19 -	(1951)
25 -	(1952)
27/pt.1 -	(1954)
27/pt.2 -	(1954)
28 -	(1955)
29 -	(1955)
30/pt.2 -	(1956)
31/pt.2 -	(1957)
32/pt.2 -	(1958)
33 -	(1959)

34 - (1960)
35/pt.1 - (1961)
35/pt.2 - (1961)
38/pt.2 - (1964)

CAB129 Cabinet memoranda from 1945 (1945 -)

28 - (1948)
36/pt.1 - (1949)
40 - (1950)
44 - (1951)
57 - (1952)
65 - (1954)
66 - (1954)
72 - (1954)
73 - (1955)
75 - (1955)
77 - (1955)
78 - (1955)
81 - (1956)
88 - (1957)
93 - (1958)
96 - (1959)
102/pt.1 - (1960)
103 - (1960)
105 - (1961)
107/pt.1 - (1961)
117/pt.2.- (1964)
118/pt.2 - (1964)

CAB130 Ad hoc committees: MISC and GEN series

61 - Immigration of British subjects into the United Kingdom (GEN325)
180 - Commonwealth Immigrants Bill (GEN756)

CAB134 Cabinet Committees: general series from 1945 (1945 -)

216 - Economic Policy Committee
1210 - CI(56) Committee on Colonial Immigrants

- 1466 - Committee on Colonial Immigrants (CCI)
- 1467 - CCI(59) Committee on Colonial Immigrants
- 1468 - Commonwealth Immigration Committee
- 1469 - CCM(61) Commonwealth Migrants Committee
- 1507 - CIC(62) Commonwealth Immigration Committee
- 1508 - CIC(63) Commonwealth Immigration Committee

b. Colonial Office

- CO537 Colonies General: Supplementary Original Correspondence (1759 - 1955)
- 5219 - Welfare Department: Destitute Colonial People in the UK

- CO859 Social Service: original correspondence (1939 - 63) (Social Service Department)
- 207/7 - Social Service: Surplus labour in the colonies: interdepartmental committee on colonial people in the UK (1949 - 50)
- 207/8 - Social Service: Surplus labour in the Colonies: inter-departmental committee in the UK

- CO876 Welfare and Students: original correspondence (1942 - 52) (Welfare and Students Department)
- 88 - Empire Windrush (30/11/47 - 1/10/48)
- 233 - Students: Inter-departmental committee on colonial people in UK

- CO1006 Working Party on the Employment in the United Kingdom of Surplus Colonial Labour: Minutes and Papers (1948)
- 1 - Minutes of meetings (1948)
- 2 - Papers (1948)

- CO1028 Welfare and Students: original correspondence (1952 - 60) (Welfare and Students Department)
- 22 - Working party on coloured people seeking employment in the United Kingdom
- 24 - Inter-departmental committee on colonial peoples in the United Kingdom
- 35 - Unaided migrant workers: West Indies: proposed fact finding mission from Jamaica

- CO1031 West Indian Department: Original Correspondence (1948 - 65)
- 2946 - (1957-1959): Committee on West Indian Immigrants in the UK
 - 3932 - Future Prospects of Employment for West Indian Immigrants in the United Kingdom
 - 3942 - (1960-1962) Committee on West Indian Immigrants in the UK

CO1032 General Department: Original correspondence (1950-63)

- 119 - Employment of coloured people in the United Kingdom and bill to restrict immigration of British subjects from overseas (1954-56)
- 120 - Employment of coloured people in the United Kingdom and bill to restrict immigration of British subjects from overseas (1954-56)
- 121 - Employment of coloured people in the United Kingdom and bill to restrict immigration of British subjects from overseas (1954-56)
- 122 - Employment of coloured people in the United Kingdom and bill to restrict immigration of British subjects from overseas (1954-56)
- 123 - Use of quota systems to control immigration (1954-56)
- 141 - Deportation of British subjects from the United Kingdom (1957-59)
- 142 - Deportation of British subjects from the United Kingdom (1957-59)
- 195 - (1957-59) Colonial immigration into the United Kingdom (Policy)
- 196 - (1957-59) Colonial immigration into the United Kingdom (Policy)
- 197 - (1957-59) Colonial immigration into the United Kingdom (Policy)
- 198 - (1957-59) Colonial immigration into the United Kingdom (Policy)
- 302 - (1960-62) Colonial immigration into the United Kingdom (Policy)
- 303 - (1960-62) Colonial immigration into the United Kingdom (Policy)
- 304 - (1960-62) Colonial immigration into the United Kingdom (Policy)
- 305 - (1960-62) Colonial immigration into the United Kingdom (Policy)
- 306 - (1960-62) Colonial immigration into the United Kingdom (Policy)
- 307 - (1960-62) Colonial immigration into the United Kingdom (Policy)
- 308 - (1960-62) Colonial immigration into the United Kingdom (Policy)
- 309 - (1960-62) Colonial immigration into the United Kingdom (Policy)
- 310 - (1960-62) Colonial immigration into the United Kingdom (Policy)
- 311 - (1960-62) Colonial immigration into the United Kingdom (Policy)

c. Dominion Office and Commonwealth Relations Office

DO35 General: original correspondence (1915 - 71)

- 5216 - Coloured people: control of entry into and employment in the UK (7/3 53 - Oct 54)
- 5217 - Coloured people: control of entry into and employment in the UK
- 5218 - Coloured people: control of entry into and employment in the UK (12/5/55 - 8/11/55)
- 5219 - Coloured people: control of entry into and employment in the UK (22/11/55 - 25/7/57)
- 5220 - Coloured people: control of entry into and employment in the UK: proposed White Paper
- 7986 - Indians and Pakistanis: restrictive measures to control flow of immigrants (25/7/58 - 29/2/60)
- 7991 - Working party on social and economic problems arising from the growing influx into the UK of coloured workers from other Commonwealth countries
- 7992 - Racial disturbances in the United Kingdom (25/8/58 - 30/6/60)
CON154/64/24

DO175 Migration: registered files (MIG series)

- 54 - Working party to report on social and economic problems arising from the growing influx into the UK of coloured workers from other Commonwealth countries (16/12/60 - 27/7/61)
- 55 - Working party to report on social and economic problems arising from the growing influx into the UK of coloured workers from other Commonwealth countries (Jul 1961 - 1964)
- 56 - Commonwealth immigration: Voucher working party (9/3/62 - 22/7/63)
- 57 - Commonwealth immigration: Voucher working party (22/7/63 - 21/10/63)
- 58 - General Department: Commonwealth immigration: Voucher working party (22/10/63 - 31/12/63)
- 65 - Immigration: control of: application of the UK legislation to the Irish Republic (8/2/61 - 19/12/61)
- 84 - Review of Commonwealth immigration 1963-4
- 123 - Commonwealth Immigration Committee (CIC papers) (1/5/62 - 10/7/63)

d. Home Office

HO213 Aliens Department

- 716 - Working party (interdepartmental) to discuss the possibilities of surplus manpower in the colonies alleviating the manpower shortage in the UK and relieving unemployment in the colonies (1948)
- 868 - Colonial workers in the United Kingdom: various correspondence concerning passage to, and employment in, the UK of Colonial subjects
- 869 - Aliens Department: Home Office meeting 18th February 1949: meeting to discuss problems raised by the influx of colonial subjects into the UK
- 870 - Aliens Department: Home Office meeting 18th February 1949: meeting to discuss problems raised by the influx of colonial subjects into the UK

e. Ministry of Labour

LAB8 Employment (1909 - 73)

- 1571 - Colonial Office working party: general correspondence on the proposal to import coloured colonial workers for employment in British industries (1948-51)
- 2360 - Coloured people in the UK: registration and placing
- 2705 - Employment Department (1961- 64): Commonwealth immigration: form of entry vouchers
- 2715 - Meetings of voucher working party
- 2726 - Employment Department: Commonwealth Immigrants Bill: membership of voucher working party
- 2729 - Employment Department (1962-64): Commonwealth Immigrants Act 1962: rate of issue of vouchers
- 2739 - Employment Department: Commonwealth immigration: papers and briefs for Ministerial Committee on Immigrants (Sep 1962 - Jan 1963)
- 2860 - Commonwealth immigration: papers and briefs for ministerial committee on immigrants (Mar - Dec 1963)
- 2867 - Research into social and economic effects of coloured immigration
- 2873 - Commonwealth immigration: assessing the economic implications of Commonwealth immigration: statistical enquiry: Maude report

LAB13 International Labour Division and Overseas Department (1923 -69)

- 42 - Proposal by the Colonial Office that ways of means by which the surplus man-power of certain Colonies could be used to assist the man-power situation in the United Kingdom should be examined

LAB26 Welfare Department (1940 - 56)

- 218 - Provision of hostel accommodation for Jamaican workers arriving in this country
- 226 - Colonial Office working party on the recruitment of West Indians for United Kingdom industries (1948 - 49)
- 259 - Question of employment accommodation and repatriation of colonial subjects; papers relating to inter-departmental committees on colonial people in the UK

f. Prime Minister's Office

PREM11 Correspondence and Papers, 1951-1964 (1948 - 64)

- 824 - 1955 - Colonial Immigration Policy
- 2920 - 1955-1960 Colonial Policy (Immigrants pt.2)
- 3938 - 1960-1961 Colonial Policy (Immigrants pt.3)
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3. Books and Articles

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